



T. F. Torrance

SCS #1152



# JUS POPULI VINDICATUM,

O R

*The Peoples Right, to defend themselves and their  
Covenanted Religion, vindicated.*

Wherein the Act of Defence and Vindication, which was interpris'd Anno 1666. is particularly justified: The lawfulness of private Persons defending their Lives, Libertyes and Religion, against manifest Oppression, Tyranny and violence, exerced by Magistrats Supream and Inferiour, contrare to Solemne Vowes, Covenants, Promises, Declarations, Professions, Subscriptions, and Solemne Engadgments, is demonstrated by many Arguments.

*Being a full Reply to the first part of the  
Survey of Naphhtaly. &c.*

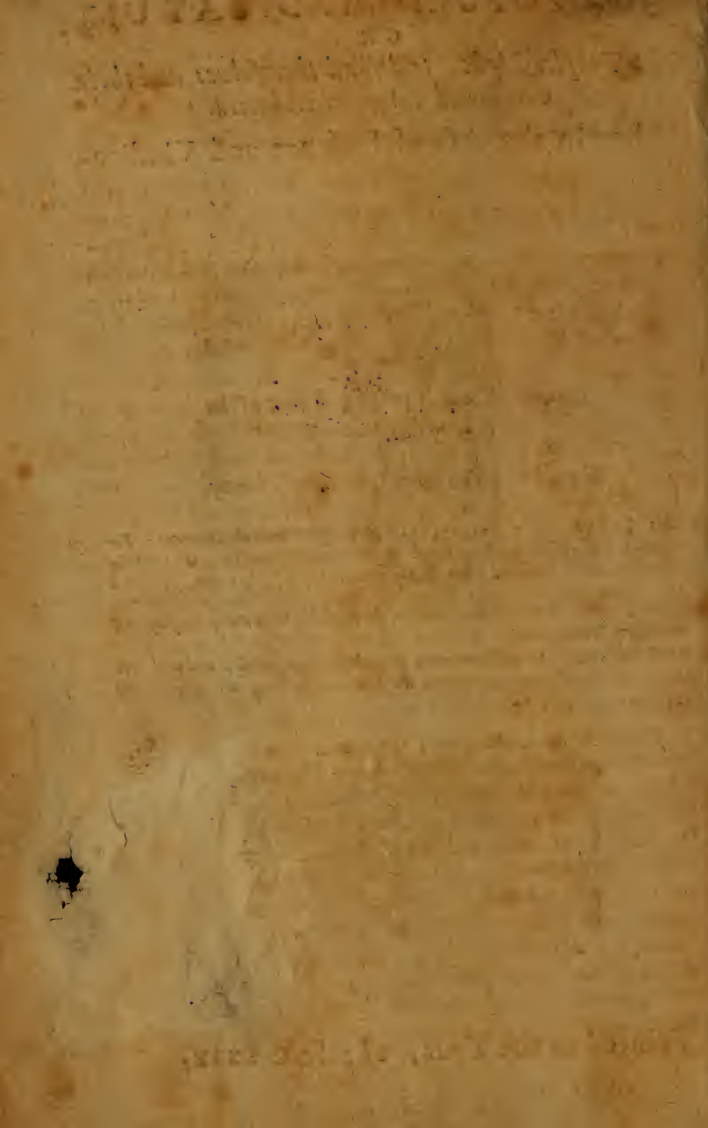
By a Friend to true Christian Liberty.

PSAL. LXXIV. ver. 20, 21, 22, 23. *Have respect unto the Covenant; For the dark places of the earth are full of the habitations of cruelty O let not the oppressed retorne ashamed: Let the poor and needy praise thy name. Arise O God, plead thine own cause: Remember how the foolish man reproacheth thee daily. Forget not the voice of thine Enemies; the tumult of these that rise up against thee increaseth continually.*

IO S. I. ver. 7. *But I will have mercy upon the house of Judah, and will save them by the Lord their God; and will not save them by bow, nor by sword, nor by battel, by horses, nor by horsmen.*



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T will not (I suppose) be very necessary, to make any full Relation or large Deduction of the occasion and first rise of this debate, The same, being not only fresh and recent to all both Friends and foes, who have been Spectators of the great and wonderful workings of God in our Land; but the memory thereof (if

it could be so soon obliterate) is revived a fresh, by the constantly renewed acts of Tyranny and oppression, which, from year to year, The Powers, acted by the same Spirit of Enimty to the Cause and Interest of Christ, are exerceing, upon the account thereof: So that the Continual rage and Constant opposition, which the ingrained adversaries of the Glory and Kingdome of our Lord Jesus Christ are dayly acting and making against all who desire to keep a conscience void of offence both towards God and Man, and to remember with some sense and feare their solempne vowes and Sacred engadgments unto the Most High, will not suffer us to forget, how that After our Land was solemnely devoted unto God, by Solempne Covenants and indissoluble Bonds; and the defence of the Reformed Religion, in Doctrine, Worshipe, Discipline and Government, become a maine condition, yea the basis, of our political constitution; The King not only by his solempne and sacred oath

swearing,

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swearing, and by his hand writeing subscribing, and so fully owneing and approving the same; but upon these termes and conditions accepting the Royal Crowne and Scepter, in the day of his solemne inauguration, & the People also upon the same termes promiseing all subjection and obedience in the Lord: And afterward in full Parliament confirming, ratifying, and approving the same; and thereby giving all the security, which either Reason, Law, or Religion could expect or require, That all the Ends of these holy Covenants should have been, in all time coming, really, sincerely and constantly prosecuted by King and Nobles, and all ranks of persons within the Land, with one heart and minde; and consequently That the evils, particularly That accursed Hierarchy, fully and for ever abjured in these Everlasting Bonds, should never be countenanced, owned or favoured, far lesse re-introduced and established: and after, for our owneing of these necessary things, and of the Kings interest in subordination thereunto, we were invaded by the *English*, and (the Lord, who for his his owne holy Ends, saw it necessary, and doth whatsoever he will in Heaven and in Earth, so disposeing) overcome, and brought into bondage full Ten Years; and at length, The King, who was forced to flee out of all his Dominions, returning, in such a remarkable and signal way, without blood, as might have engaged his heart more firmly then ever unto that God, who had done such rare, and unexpected things for him, and made him more then ever fixedly resolve to owne Him and his holy Interests, according to his former Vowes, Oathes, Subscriptions, Covenants, and Declarations; and rationally ascertained his Subjects, that these necessary and good things, should not only never be overturned and ranversed; but also with greater Zeal, and resolution established, confirmed and prosecuted, then ever formerly: & how, in stead of this, No sooner did the report of his Majesty's returne come abroad, but all the generation of malignants, who had ever been heart enemies to the work of God, which was carried on in the Land, did lift up their head, insult over the People of God with all their might,  
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according to their ordinary insolency, spew out their Venome against the work of God, and at length obteaining power, did raze the same unto the very foundations, annull and rescinde all Acts, all Covenants, all Resolutions and Conclusions, which had been made and taken for settling and securing the Reformed Religion in Doctrine, Worshipe, Discipline, and Government; condemne all which had been done in carrying on the Work of Reformation, as pure and manifest Rebellion; and having re-intro-duced and established abjured Prelacy with all it's concomitant abominations, did enact and enjoyne most tyrannically a full conformity unto all these abominations, and presse, in a most horrid and arbitrary manner, the faithful Servants and seekers of God, to a compliance with these accursed and ever to be abhorred, courses; and upon their simple refusal, did violently and barbarously eject the faithful Servants of Christ, banishing some out of all the three Dominions, incarcerating others, (after they had imbrewed their hands in the blood of the best of our Nobility, and Ministry) and chafeing by their irrational and brutish acts multitudes of them from their flocks and familiars; and then having in an antichristian manner, thrust in upon the People a crew of the basest and naughtiest wretches the Earth did bear, & by their cruel and tyrannical acts, compelled & constrained the conscientious seekers of God, to accept of, countenance, owne, and constantly hear such, as lawful Ministers, lawfully called and sent of God; and when honest People, considering both the way of their entry to be Antichristian, their doctrine false and erroneous, their conversation scandalous and abominable, their qualifications rather such as sute the publick Ministers of Satan, then the called Servants of God, their whole deportment a manifest demonstration to all onlookers, that they were never called of God unto that work; and considering how iniquously their owne faithful Pastors and Fathers had been thrust from them, and how by their solemn Oath they stood obliged to the constant keeping of a perfect antipathy, unto every part and pendicle of that abjured Hierarchy, and unto what was contrary to sound doctrine and to the power of godlineesse,

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lineſſe , and to the work of Reformation and Reformed Religion in Doctrinẽ , Worſhippe , Diſcipline , and Government , did forbear to yeeld obedience unto theſe antichriſtian and iniquous Lawes , did , by their arbitrary and barbarous executions , what by their High commiſſion or inquisition-court ( arbitrarily and illegally erected ) what by cruel & bloody Souldiers commiſſionated without Law or order for that effect , oppreſſe , pillage , plunder , haraſſe , imprifone , fine and confine , impoveriſh , beat , binde like beaſts , the faithful and loyal Subjects of Chriſt , and make their life more bitter unto them , then if they had been under the feet of Turks or Pagans . Under which intolerable , incredible and unexprefſible bondage the godly of the Land , eſpecially in and about *Galloway* , did for a long time groane , & cryed unto him who heareth the cry of the oppreſſed , that he would judge and plead their cauſe , and open ſome door of outgate , that they might be delivered from under the feet of thoſe cruel taſke Maſters , and have an opportunity put into their hands of vindicateing the Liberty of their Reformed and Covenanted Religion , and of uſeing their lawful and vowed endeavours to free the Land of this horrible defection and Apoſtaſy , that the fierce anger and wrath of God might be turned away therefrom , and Church and State ſetled upon their former ſolide and Chriſtian foundations . At length , the wonderfully wiſe God thought good to put them once to the tryal to ſee what they would hazard and venture for the recovering of the intereſts of Chriſt , together with their owne Liberty ; and unexpectedly in his holy and divine Providence ſeemed to them to impoſe a neceſſity upon them , both to run together , in their owne neceſſary defence , and to endeavour , with the extirpation of the abjured abominations , the bringing back of the captivated ark of God : For about the middeſt of *November 1666* . when two or three Countrey Men providentially paſſing by , did ſee a poor old Man bound hand & foot like a beaſt by the Souldiers , ſent out for that Effect by *Sr. James Turner* that bloody Atheiſt , being commoved with paſſion did calmely and friendly deſire the Souldiers to looſe him , but they accounting this ſuch a High indignity ,  
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in their rage & fury assault them with drawne swords, whereupon the Countrey men were necessitate to their defence, and in their defence did wound one of the Souldiers, at which the rest cast downe their armes: And being certanely perswaded that for this necessary defence they would be persecuted to the death, the next day with 6. or 7. more they seise upon other 10. or 12. of the Souldiers, whereof one was killed, the rest rendering their armes: Hereby the Countrey about being alarmed, & knowing that their tyrannous oppressours would be enraged more then ever, & account this a crime scarce expiable by the blood and ruine of the whole Countrey free & unfree, gather together to the number of 54. Horsemen and some few footmen & advance to *Dumfries*, where they quietly seise upon *Sr James Turner* and the rest of the Souldiers who were there, without any harme except the wounding of one who obstinately did resist. Thereafter by divine providence they were led towards *Air*, & while within the Sherifdome of *Aire*, where they stayed the space of seven dayes, several of the Countrey groaning under the same oppression, and longing for an opportunity of publick appeareing for the cause & interest of Christ against the Popish Prelatical and malignant faction, laid hold on this occasion, to joyne with their Brethren, to help the Lord against the mighty; so that their number was increased, though not to such a quantity as would have been expected, partly through the want of sufficient previous advertisement, (notwithstanding of what diligence had been used, from the day of their appearance at *Dumfries*, to give notice to all who cordially loved the welfare of Zion of their present distresse) partly throw the dissuasion of one who had been a chief instrument in apprehending *Turner*, and thereafter had deserted them, & partly through other discouragements, seeing few yea very few landed Gentlemen or Ministers appearing with them or for them, which had no little influence also on the discourageing of several who came together with the impetuous raines which lasted night & day, which made many wonder that they did not wholly break and dissolve. Yet the mighty power of God on their Spirits, and the lively sense of their duty, made the most part to hold on, and others to

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come unto them ( beside some who were upon their way and invincibly hindered from comeing at them ) as they marched thorow *Clidfdale*, where at *Lanreck* they solemnely renewed the Covenant; & thereafter marched Eastward to *Bathgate* & *Colingroun*, the Enemy in the meane time pursueing them at the heels: While they were there, there came two Gentlemen unto them, pretending a verbal commission from the Enemy (the one of which Gentlem. they thought should have come along with the rest of that Countrey, and joyned himself with them, as a favourer of the godly,) to presse their disbanding upon promise of indempnity, & this they urged, but they saw no call of God to deserte the worke so: At length, that Gentleman conveyeth the other, Early in the morning before break of day, thorow their guards, towards the Enemy, who (as many think) advertised the Enemy of the way they were to march to morrow; yet notwithstanding before they marched, they sent with that Gentleman a letter to the General of the King's forces, showing the occasion of their being together in that place and in that postour, to wit, to presente their grievances unto the Council (seing there was no other accesse for petitioning) & therefore desiring a blank passe to such of their number, as they would send with their supplication unto the Council. When the Gentleman (vvhich had told the Honest party, that he had taken upon him, in their name (though without their vvarrand) to promise vnto the General that, He engaging not to move further towards them, until he returned the next morning, They should do the like) returneth to the General vvith his letter, he found him marching contrare to his promise: The honest party, having not engaged to stay, marched as they saw opportunity Westward toward *Penrland*. The Enemy being advertised, very probably, as is said, cast themselves in their way, so that they came shortly in the view of other. The honest party, at this time vv ere hardly 700 horse & foot; among the Horsemen scarce one hundereth vv ere fixed in arms. The footmen, beside some svvords, had only some broken picks, ill appointed fire locks or muskets, many corne forks, and some had syths. And at this time all of them, were much vvearyed vvith long and toilsome marches, hunger (for these



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these parts of the Countrey, thorow which they came, can bear witness to their sobriety and moderation, refusing even to take what was offered, because they had not money to pay for it) and cold (by reason of the continual and exceeding great raine;) while they are thus in the view of other, The Enemy sendeth forth a party of choise men, who were met with by a troupe of the honest party, and after some dispute, mostly by swords, were put to the flight, and fled alongs the edge of the hill by sheep-ropes, so that there was no access to pursue by horses, but a party of foot was commanded to follow the pursute, whereupon the Enemies horses were forced to quite their ground and betake themselves to other ground no lesse inaccessible by the honest party. After near two houres, the Enemy, perceiving that neither party could approach to other as they stood, because of a precipice betwixt them, came towards a plaine at the foot of the hill, and drew up in battalye. The honest party now seeing that the Enemy was willing to offer battel, and that if they should withdraw, the Enemy would be encouraged, and many of themselves unavoidably discouraged, & if they should delay till to morrow (the sun being now near setting) feared that many should fainte & flee away in the night time, and others should be lesse able to fight thorow hunger & cold, seeing no way how to relieve themselves with necessaries at that exigent, resolved to imbrace that occasion, & see what the Lord of Hosts would be pleased to do; and therefore resolved after prayer to draw off the hill towards the Enemy, keeping still what advantage of ground they could: when thus they have approached, the Enemy send forth a troupe, which was rancountered with another of the honest party and beate in to their body, somewhat (as some think) inconsiderately upon the part of the pursuers. Thereafter the Enemies send off another party to relieve the former, which was met with by another of the Honest party, But with some disadvantage to the Honest party, because they were to approach neare unto the very body of the Enemy. ere they could prove a reliefe unto their former party: Yet through

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the help of the Lord, they made their adversare-party flee shamefully. The enemy perceiving how they had been beaten three times in end, in fighting by parties, and seeing how the strength of the Honest party, stood in those troupes which had not as yet rallied, nor returned to their ground in order, advanced with their whole body of horse, in a full breast, with a pretty gallop, upon the two troupes as they were scattered, and drave them back upon the body: and thus, (the only wise God, who doth all things after the counsel of his owne will, ordering it) in a short time broke them all. And yet it is observable that moe were killed by the countrey men in their escapeing, then on the fields. The Enemy stayed on the fields all night and buried their dead, who were not afew, The prisoners which were taken were carryed in to Edinbrough, and though by these in power, in humanely enough used, yet by some, (whose labour of love both towards the dead on the fields & to the prisoners, the Lord will not forget) tenderly provided and cared for, though in a clandestine way. Of these prisoners who were taken on the fields, & others afterward apprehended by Countrey men, there were Six and Thirty or thereby publickly hanged at *Edinbrough*, *Glasgow*, *Aire* and other places; and their heads and other members of their body are upon poles unto this day, to keep the memory of this Noble exploit fresh upon the Hearts of the Godly. I shall not further recapitulat what is said concerning this by *Naphthali*: Only I would say this, That though many might have been tempted to think, & possibly the Enemy might have imagined, That now their cause was confirmed with a witnesse, & the honest patriots condemned by God the righteous judge; yet after experience made it appeare, that the honest cause was never more confirmed then by the death and sufferings of these, whom they cruelly murdered as traitours and rebels, The Lord so visibly owneing them to the conviction of on lookers, that they were no more afayed of death then of a quiet rest in their beds, being ascertained of the Lord's accepting of them and their weak endeavours, to restore the Kingdome, however He, who is wise in counsel, thought it not for his

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his glory, to prosper them in their undertaking, at that time: And this very consideration did much help to restrain the remainder of the wrath of the adversary, who were so enraiged, that few thought they should ever have sisted, till they had executed all who were their captives.

Yet the generation of the prelati-<sup>cal</sup>l and Malignant faction, (judicially hardened by this dispensation, because as so many carnal sensualists, if they beleieve at all that there is a God, they measure him and his wayes by their owne yaird, and judge of his approving or disproveing of actions by outward dispensations, to whom I shall say no more, but *Caveat successibus opto, quisquis ab eventu facta notanda putet*) did not cease to chant after the determinations of the cruel & bloody Council, and cry out upon those Noble and worthy patriots, (whose memory shall be in everlasting remembrance) as Traitors and Rebels justely condemned and executed. Whereupon the author of *Naphtaly* thought himself called of God, to write in justification of these innocents'. And because he saw it was the same Spirit of madnesse and malignancy, which had raged against the work of Reformation, from the very beginning, that did act those in power against these worthies; and that there was no material or substantial difference betwixt the way which these late worthies took, and the way which our fore-fathers, in the valient maintaineing the interests of Christ, and promoveing the work of Reformation in our land, had followed in their generation; therefore he thought it necessary and useful to make a cleare deduction of the opposition, which that poor Church met with at the hands of a Popish Prelatical, and Malignant faction; And of the constancy, valour and Zeal of the Lovers of God and of his interest, in adhereing thereto, and maintaineing the same, against all the rage and fury of the adversary; & of the Lord's blessing their Noble endeavours with special and remarkable successe: And all alongs did clear their innocency, and vindicate them from the aspersions that wicked Enemies could lay against them; and their actions from such objections as wickednesse it self did or could make against them; And at length after a clear  
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Representation of the furious genius of the Malignant Apostate generation of this age, by their publick and avowed acts and actings, and of the sad calamities, which the honest adherers to the cause and Covenant of God hath suffered, did shew the rise and progresse of that loyal interprise, and did fully vindicate the actors therein, from the crime of Sedition, or Rebellion, with which they were most unjustly charged, and for which cruelly and tyrannically executed.

But the Mensworne generation of prelatical Apostats, finding themselves nearly concerned in that affaire, thought it of their concernment to try, what could be said in defence of this tyranny (exerced mostly for them, and at their instigation) set some on work to write against that book. And therefore they published to the world. The I. Part of a *Survey* of that book entituled *Naphthali*, and of several doctrines in *Lex Rex* and the *Apolog*: (which had been at rest for some considerable time, especially *Lex Rex*, after they had been burnt into ashes, as being judged no otherwayes answerable but by a fiery faggot, till this Man began to rake in the ashes of these dead Martyres, and finde some bones of doctrines yet unburnt, which he thinketh now to honour with a more solemne burial.) But with what evidence and demonstration of truth, he hath managed the questions handled in this first part, thou mayest judge by what is here replyed, in vindication of that solemne truth, which he endeavoureth, according to his poor strength, to dethrone and tread under foot.

Though we have not followed the Surveyers Methode, desiring to be as succinct as might be, and to cleare that maine question controverted, touching the lawfulnessse of *privat persons defending themselves and their Covenanted Religion, from the manifest violence, tyranny and intolerable oppression of the Sovereigne and inferiour Magistrats* to the edification of all; yet we have not dealt with him, as he hath done even with *Naphthali*, the book which mainly he setteth himself against: For he is so far from answering that book of which he offereth a *Survey*, that the most part of the grounds, and arguments made use of there, to prove the thing intended, are



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are not so much as touched by him in all this voluminous pamphlet: But we have fully examined and answered all which he hath asserted, leaving not one material sentence, which was to the purpose, in his whole book, untouched. The judicious Reader will finde this true upon search; And no man will think we were called to answer the same thing oftener then once, though he was pleased to fill up many pages with meer repetitions. The methode we have followed, all who know what it is to cleare controversies, vwill acknowledge, to be the most solide, satisfying, succinct and perspicuous; and such, against which no man can justly except. We suppose also That we have been as plaine and cleare as the nature of this controversy vwould suffer us; (and some possibly vwill think vve have been too too plaine; but they knovv vvhom to blame, for giving us this occasion,) for vve made it our designe, to bring this question, vvchich did concerne common people no lesse then the learned, (seing it was a matter of life and death unto them, no less then unto others) home, so far as was possible, to the capacity of the meanest, that they might know, and be distinct in the knowledge, and perswaded of the lawfulnessse, of the grounds of their acting in such a vindication of their Religion and libertyes. The truth we have confirmed by many arguments, reduceing them to their severall heads, the better to cleare and confirme the matter, and to settle the judgments of all in the apprehension of the Truth: and all of them we have so framed, that every one of the lowest reach, may see how they plainely and peremptorily force home the poynt controverted, with a demonstrative perspicuity, and irrefragable strength. So that whosoever shall undertake to draw this saw againe, must not think to leave any one of all the arguments which are here adduced (& if he reckon aright he will finde moe then a hundereth, which I shall make good if put to it) un-examined; for if any one hold, (And I am not afrayed that many of them shall be found feeble) the cause vvchich vve contend for is uncontrovertably yeilded, seing one reason, which is unanswerable, is enough to captivate the judgment unto an assent unto the truth

truth: & one argument deserted of the adversary, declareth his cause desperate.

We have also dealt faithfully and ingenuously, touching on every thing, vvhich vvas offered to us, and vvhich vve thought might conduce unto the clearing of this contraversty: & because we finde something belonging unto this question, said by the author of the *Second part* of the *Survey* (vvhich is now come to hand) in the last chapter *Pag. 263. &c.* We shall a little touch upon that here, reserving the examination of the rest of this 2. part until a fitter opportunity, when, if the Lord will, we shall discover the weaknesse of all his reasonings, and vindicat the truths vvhich he setteth himself against, vvith as much clearnesse and succinctnesse, as may be.

He cometh, in the place now named, to consider the defence made by the impanelled unto what was objected, or what further defence, *Naphthali* (whom after the old manner he stileth the *Lybeller*) makes for them. And 1. He tells us. [*They were posed, where they had learned, that under presence of Religion, it is lawful for Subjects, to rise in Rebellion against lawful authority.*] And then addeth. [*That to this Queere, this advocat declines to give a direct answere, where such a thing, is read or could be instructed.*] Answ. Who doth not see, That this was a Queere utterly unbecomeing such as pretended to occupy the places of lawful judges in such matters, to propose to persones Empanelled upon their life; it being nothing but a meer caption, like unto that which is called *Multiplex interrogatio*, unto which, both the impanelled, and this Advocat (as he calleth him) might lawfully have declined to give a direct answere: Because it supposed 1. That their riseing was *against lawful authority*. Whereas it was rather a riseing for lawful authority, while against persons abuseing their authority, and not walking in the right line of subordination unto the Supream Magistrate and Governour of Heaven and Earth, but rebelling against him in makeing lawes contrary to his lawes, and executing them contrary to his will and command. 2. That their riseing was *in rebellion* whileas it was rather in loyalty to God and the Countrey, against

against such as had erected a Standart of rebellion against the High and mighty Prince Jesus Christ our Lord and Supream Governour, and were destroying his interests: And in loyalty to that Supream law *The safety of the People*, defending themselves against manifest and intolerable tyranny. 3. That it was in *pretence* of Religion, when as it was really and unquestionably for the re-establishing of our religion reformed in doctrine, worships, discipline, & government, confirmed, ratified and approved, by Solemne Covenants, Subscriptions, vowes, oathes, engadgments, declarations, professions, publick actings, acts and Statutes, of King, Nobles, persons of all ranks, Parliaments and judicatories Higher & Lower: Whereas the true Queree was this *Where they had learned to rise in their owne defence, and in the defence and maintainance of the true reformed Religion, against such in power who were tyrannically oppressing them, and destroying the Established Religion, contrarie to Vowes, Covenants, Promises, Compacts, Declarations, Protestations, Solemne Engagements, Subscriptions, &c.* And if the Queree had been thus proposed, it might have received a direct answer, To wit, That they had learned this from the law of God, the law of Nature, the civil law, the law of Nations, Sound reason, and the practices of Christians, both under the law, and under the gospel, not onely at home but also abroad.

When *Naphtali* said That it was a cleare beging of the question to suppose that the late rising was only in pretence of Religion. This *Surveger* answereth That *it is a very poor quirk.* And why so? *He should know (sayes he) that in ordinary language, a thing is said to be done under pretence of another, whether the pretension be yet, dubious or under controversy, or whether it be falsely made or truly?* Answ. Such language as this may be ordinary with him, it may be, and his complices, that corrupt fraternity, with whom pretences are real, and real things are pretences; but sure to all such, as understand plaine language, this queree did præsuppose that the rising was not really, but in pretence for Religion: Did ever these in power, make it out, or offer to make it out, that it was not really for Religion? *Naphtali* said more over *That the Queree*

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it self seemed to imply and grant, That for Subjects to rise in armes really, for the defence of Religion, against the invasion of the powers, under the pretence of lawful authority, is both lawful and laudable. This, sayes the Surveyer, is as vaine a quirk. How so? for, (sayes he) let it be so, that the objection was meant only of rising upon meer pretences of Religion, will this inferre, that therefore there might be a rising upon real intentions for Religion, against the Magistrate? *Ans.* Sure to all of common sense, it sayes that the proposers of the objection did yeeld so much, having hinted nothing to the contrary. Did they say growing but not granting it lawful to Subjects to rise in armes really in defence of Religion, &c. Why then might it not have been taken for granted, that the objecters durst not condemne this, especially seeing the maine stresse did lye upon that supposed pretence. Ay but he tels us, That he affirmeth That upon neither of the two, insurrection against the Magistrate is lawful, — and that these people did not rise really for Religion, but to maintaine themselves in the course of atheistical contempt of Religion and God's ordinances, to pull down all authorities in the land (as their advocat professes and justifies their so doing) and to destroy these in their innocency whom they had appoynted to death.] *Ans.* His affirmations and assertions, are but weak and beggerly proofs, though he strengthen them with manifest and notorious lies: And whether there be a truth in what he here affirmeth or not, we leave the Reader to judge, when he hath read, and considered what we have said in the following vindication.

Next Some texts of Scripture vvere objected, as 1. that 1 Sam. 15: ver. 25. *Rebellion is as the sin of witchcraft.* To which (sayes Naphthali Pag. 156.) One of themselves did roundly and clearely answer, that, the sentence being spoken by the Prophet to the King, because of his disobedience and contempt of the command of God, and not to Subjects, would sooner conclude his accusers then himself to be a rebel. This the Surveyer, Pag. 264. calleth a very poor answer. And yet so pertinent and plump that it stopped the mouth of the accusers, & filled their faces with shame: But why was it such a poor answer? For albest, (sayes he) that high rebellion immediatly against God be principally meant, yett the soveraigne Magistrate being the Lord's deputy, and bearing the image



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*image of his Sovereignty upon Earth, whom he commands to reverence and obey, and of whom he hath said, yee are Gods, Psal. 82. the despiser of the Sovereigne Magistrate, & a rebel against him doing his duty, is a rebel against God* Answ. Those words *Doing his duty* were very well added: But sure when such are rebelling against God, enacting things diametrically opposite to his law and testimony: persecuting the Subjects because of their adherence to the lawes of God, to their vowes and Covenants; and by force, & cruelty overturning the covenanted Religion, destroying the interests of Christ, the true and lawful liberties of the people, and the common good, they are not doing their duty, nor carrying themselves as the deputies of God, bearing the image of his Sovereignty, but rather as manifest and avowed Rebels to God: And therefore, what ever can be said from this place to prove it rebellion, and as the sin of witchcraft, for subjects to despise the Sovereigne Magistrate, and to rebel against him doing his duty, neither from this place nor any other can it be demonstrate, that the late Risers vvere guilty of Rebellion. Did not the author of *Naphtali* tell him. 2. *That rising up against authority is self, the Ordinance of God, and disobeying the powers therewith vested, standing and acting in their right line of subordination, is indeed rebellion, and as the sin of witchcraft; but to resist and rise up against persones abusing sacred authority, and rebelling against God the Supream, is rather to adhere to God as our liege Lord, & to vindicate both our selves, & his abused ordinance, from mans wickednesse and tyranny, vvhath meened he then to say the same thing which Naphtali had said? Is this to answere his adversary? And not rather to yeeld the cause? Ay, but lest we should take these words doing his duty as importing any confession. He addeth. Yea suppose, we are never to follow the Magistrate, when his commands are contrary to God (for that were to leave our line of subordination to God,) yet when he swerves and goes out of his line, to take the sword against him, is but to study to cure his sin by our owne; And because the King one way leaveth his line of subordination to God, therefore to leape out of our owne line in that subordination in another way.* Answ. This Man speaketh contradictions, when he maketh a supposition that

\* \*

that

that we are not to follow the Magistrate, when his commands are contrary to God, and yet sayeth if we do follow, we leave our line of subordination to God. We see what the Man's Spirit would have carryed him to, if he durst have vented it. But how proveth he that this is our sin, or a leaping out of our line of subordination, to resist tyranny, and men abuseing their authority to the subversion of Religion, libertyes, and the common good of the Subject? we have proved the contrary, and answered all, which he or his colleague, the author of the former part hath said, and shall be ready to say more when any new ground is given.

The next passage of Scripture which was objected, was *Mat. 26; 52. To which (said Naphthaly) it was sufficiently answered (without any reply) by one of these impeached (whom they accounted distracted, though without the least appearance of impertinency, by opponeing Luke 22: 36.)* What now sayeth the Railing pamphleter? *Certainely (sayes he) [This libeller seemeth not to be far from some measure of distraction, while he alloweth the distracted man's answer as sufficient: Who of sound judgment will think that a scripture is sufficiently answered by producing another, which seemeth contradictory thereto? This is not to solve an argument from scripture, but to set the Scriptures by the eares together.]* *Answ.* Naphthaly did not look upon that man as, nor yet say that he was, distracted, and sure his answer being so apposite and pertinent, as that it did confound the objecters, so as they had not what to reply, might have more then sufficiently convinced them of their error, seeing thereby they might have perceived, that when they little regarded the solid and unanswerable confutations which God suggested to such, as they could not but suppose both wise and sober, God would prompt one whom they accounted distracted, to give such a rational, solide, and binding answer, as all their wit & learning could not frame a reply unto; It seemeth if this *Surveyer* had been rideing on *Balaam's* asse, he would have been more furious and mad after the revvard, then was that vvicked vvretch, and would have thought himself more brutish then the asse, to hearken to vvhat the Lord did put in the

the mouth of the asse to say, by way of rebuke. Thinks he that no man of sound judgment vwill think a scripture sufficiently answered, by producing another; And that this is but to set the scriptures by the eares? Then it seemeth vwith him, no man of a sound judgment must think that our Lord Jesus did sufficiently answer that passage of Scripture vvhich Satan abused, by adduceing another, *Mat. 4.* But that Christ did nothing but set the scriptures by the eares, is this far from blasphemy? I vvonder vvhere vvvas the devils vvrit that he had not this reply to make unto Christ's answer, vvvhich this *Surveyer* here maketh? It seemeth our *Surveyer* can easily out-vvit the devil himself, and declare himself better vvorthy of the chaire. But enough of this here, seing it is obviated *Chap. XVII. Obj. 15.* The author of *Naphthali* did further give these answers. 1. *That from the place it self, & all the Euangelists, it is most evident, that that command was given, and these words spoken by our Lord, only for to testify his voluntarie submission unto the fathers will, by laying down of his life for fulfilling the Scripture, as is clear from Math. 26. ver. 54. and Joh. 18: 11. Otherwise the context being considered, (that not only in Luke. 22: 36. cited, He, forewarning his disciples of hazard to come, adviseth them to provide swords and weapons. And Mat. 26. asserts his power to have called 12 Legions of angels to his assistance, which clearly implies the lawfulness thereof) this Scripture objected doth more confirme then impugne the lawfulness of defensive armes.]* What sayeth our *Surveyer* to this? He sayes 1. *That passage, Luke. 22: 36. is perverted by him. why so? Because Beza, Diodat, and Iansenius acknowledge that speech to be wholly allegorick. And then addeth, that in very deed it cannot sustaine that Christ should here enjoyne them to buy swords of outward mettall, seing it was not Christ's minde that at that time they should use such swords, no nor in defence of his owne person, would he have them sell their cloaths to buy swords, and then not use them? Answ.* Though we have obviated this reply, in the place cited *Chap. XVII.* and fully vindicated our argument from this passage *Chap. XII. Arg. 13. beginning Pag. 260.* Yet we shall adde this, that sure Christ's Disciples tooke him to be speaking of vveapons & svvords of outward mettall, when they said

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to him *here are two*; and as sure it is, that Christ's reply saying *it is enough*, hinteth at no spiritual armour, otherwvise vve must say that his Disciples at this time vvere sufficiently fortified against all Spiritual vvarks and combats; and yet after experience proveth the contrary: And no lesse sure is it that if Christ had here meant *Spiritual armour*, he vvould have been loath to have left his Disciples in such a mistake, vvvhich vvvas of so great concernement for all time comeing, novv especially vvhen he vvvas shortly to be taken from them: And vvhere do vve finde him rectifying this mistake of the Disciples, or saying, That he meant no such svvords; his saying it is enough, Importeth some other thing, as is said: Againe, if this speech be wholly allegorick, what way will they expone these words, *But now he that hath a purse let him take it, and likewise his Scribe*? But as we see no ground for an allegory here, so we may not expone scripture by allegories when we please; all know how dangerous it is to do so without clear warrand. And as for this *Surveyer's* reason added, it is of no weight to force us to accept of such an interpretation, for though it was not our Lords minde, that they should use those svvords further at that time; yet he might have taught the lawfulnessse of self-defence in other cases where there was no positive command to the contrary, by thus saying unto them, *He that hath no sword, let him sell his garment and buy one*, Since he had not made use of such forcible defence before, to have shovne them the lawfulnessse thereof, as he did of flight, which also at this time, he would not make use of; and that they might see how voluntarily and of his owne accord he laid downe his life, in obedience to the command which he had received of his Father, who would not make use even of that meane which he had declared lawful, by advising them to provide svvords. Againe the *Surveyer* replyeth, *The question is now anent the lawfulnessse of private mens using defensive arms against all Magistrats, without any shadow of authority*: And to prove this he alledges that God by his absolute power might send 12. Legions of Angels to help Christ: God hath authority above all authorities in the World, and he may employ Angels or Men, as he pleaseth, and then they have a good warrand  
and



*and authority: But what makes this for any privat Mens using the sword against the Magistrate, without authority either from God or Men? It is wondrous reasoning from Gods absolute power, & the efficacy of Christ's prayer, — to argue the lawfulness of privat Mens resistance of the lawful Magistrate without any warrand from God. Answ. This is to us, no strange way of replying, seeing we have met with the like so often before. No Man sayeth, let be undertaketh to prove whether by this or any other argument, that it is lawful for privat persons, yea or for Kings and all in authority, to resist whether lawful Magistrats or others, without a warrand from God. What a non-sensical contradictory conclusion, should this be? But this we say, That it is not in every case unlawful nor wanteth it a warrand from God, even for privat Subjects to defend themselves from the Tyranny of those in power, by forcible resistance, notwithstanding that Christ would not suffer his followers to make use thereof, in his case, which was singular: And, among other things, his saying, that he could obtaine by prayer of the Father 12 Legions of Angels, for his succour, doth confirme it: For if he might not make use of mens help, neither might he seek the help of Angels: So that we argue not from God's absolute power, but from Christ's professing, he might, if he would, obtaine the help of Angels, we show that in itself abstract from a particular positive command to the contrary, it was not unlawful, for the Disciples to defend themselves and their Master, nor for Christ to make use of their help, as it was not in itself unlawful to make use of the help of Angels. Which yet in that case he would not do.*

*3, Hereplyeth, Albeit one part of our Lords designe, is to satisfy his willing submission, to the pleasure of his Father, yet that is not all; for by occasion of this prohibition to Peter, he giveth a general rule to all his Disciples being privat Men, and to all private Men, that they should not take the sword, God not giving them Authority.*

*Answ. If he meane by Authority, publick Magistratical authority, He but begs the question; and if he meane a lawful warrand, we grant all: For though privat persons have not the Magistratical power of the sword; yet we have sufficiently*

ficiently proved that they have a warrand, in cases of necessity, to make use of the sword of defence or resistance, in their owne defence: And Christ's Word speaks nothing against this. And if he should say, That Christ's sentence being general admits of no such exception, I would gladly know, how he will salve the lawfulnessse of publick persons taking the sword, for Christ speaks in general to his Disciples, *He who taketh the sword shall perish by the sword*: and I suppose he will not exclude Kings & Magistrats from the roll of Christ's Disciples. If he say, he meaneth all these unto whom God giveth no authority Magistratical. How shall he prove this? If he say he speaketh to his Disciples who were private Persons. True, but it is as true, That he speaketh to his Disciples who were Ministers. *Ergo* shall it concerne only Ministers? And that he speaketh to his Disciples who were Christians. *Ergo* it must also concerne all Christians & Magistrats as well as others. Thus we see his evasions are naught: And the true meaning is, that all such as make use of the sword, without God's warrand (which the Disciples now wanted, having God's minde revealed to the contrary in that particular,) shall perish by the sword: and with this restriction we admit of it, and he cannot reject it: And then it will make nothing against us, as is said & proved. *Naphhtaly* answereth 3. *Is it possible that men should be so far demented by flattery, as to think that it was unlawful for Iesus Christ, the mighty God and Lord over all, to have defended himself by the assistance of his Disciples, against the horrid wickednesse and insurrection of the vilest of his creatures, had it not been that it was necessary that the Scriptures concerning him should be accomplished?* The Surveyer sayeth, *He is insolent in saying so: Why so? Because, albeit it be true, Christ as God, could have destroyed by himself or his instruments all the vile creatures that rose up against him; yet Christ as Man, submitting himself in our nature to fulfil all righteousness, submitted himself to Magistracy, as the ordinance of God — and whatever by God's Law was unlawful for a subject to do, (as rebellion against lawfull powers is) the Son of God in the state of his humiliation submitted that the same should be unlawful to him as Man &c.* *Ans.* It is true Christ as Man became Subject to the

the Law and to Magistracy as the ordinance of God. But to say that therefore He might not defend himself against the vilest of his creatures, who rose up to take his life, though abstract from that particular case wherein he had a particular command of God to lay downe his life, because that would have been rebellion, is but to begg the question, and we have said enough to prove the contrary. *Naphtaly* had a 3. answer thus. *Where our Lord sayeth in the place objected*, all they that take the sword &c. *as he thereby only condemne*th unjust and offensive war; *So the saying itself by its later part, doth tacitely imply the lawfulness* & justice of both defensive & vindicative arms, the same being otherwise justly founded. Unto this The Surveyer replyeth 1. That the first part is false; for then, sayes he, *That sentence should not be pertinently applyed to Peter's fact or fault, for his using of the sword was defensive and objectively just on his part, to wit, in defence of his master, whom they did invade; yet he is reprov'd as wanting lawful authority.* Answ. Peter's wanting a vvarrand for any further use of the sword, made, it is true, his vvar unjust yea and offensive, for all lawful war (except where God giveth a particular command to destroy a nation or people, as he commanded the *Israelites* to destroy the *Canaanites*, and *Saul* to destroy the *Amalekites*,) is in a manner meerly defensive, as sundry politicians averre, thinking no ordinarie war lawful, but what is defensive: And so this war being contrare to the revealed will of God, was unlawful, and so condemned by this sentence. But to gather hence, that every defensive war of Subjects is hereby condemned, is to put more in the conclusion, then is in the premisses. His 2 reply is *That the later is most falsely concluded, if he meane defensive and vindictive armes against the Magistrate, for albeit defensive and vindictive armes be otherwayes justly founded, the defect of a lawful authority makes them unjust and sinful: And it is utterly against Christ's minde, and scope of the text, to allow defensive as well as vindictive armes against the Magistrate, for Peter was defending himself and his Master, and revenging the invasion made by Malchus the Magistrate's servant upon Christ, and yet he is reprov'd for both.* Answ. To say that the defect of a lawful authority (as he understandeth it) maketh a defensive

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war in subjects against their Magistrats, otherwise lawful, is but to beg the question, and is not proved by any reproof: *Peter* gote, because as we have often tolde him, that was a particular case, it being necessary that the Scriptures concerning Christ should be accomplished, which is only added by our Lord, as the ground of his discharging *Peter* to proceed: Christ never tels him that it was against the lawful Magistrates, and therefore might not lawfully be: Yea that which made *Peter's* Defence in this case unlawful, would not Permit I. C. to pray to his father for aid or deliverance: now if he will conclude from Christ's discharge of *Peter* to make use of the sword, that it is simply unlawful for persons not cloathed with publick Authority, in any case, to defend themselves from the unjust violence of Magistrates, then let him conclude also from Christ's example that it is unlawful for them to pray for help from God when they are oppressed: for Christ gives one reason for both. We are willing to grant him all that can be drawne from the scope of the place, to wit, that when God hath so plainly declared by his providence, that there is not so much as place left for praying that the thing wherewith we are threatned may be avoided, but that we must suffer, and that then it is our duty to seek to be strengthened with all might, according to his glorious power, &c. That in this case, to take the sword is unlawful, this I say we willingly grant; but if he would wrest the words further to make them say what he would have them, he erreth not knowing the scriptures nor attending to their scope: Yea, it may be questioned if the *Chiefe Priests, Scribes* and *Elders* who sent out that band of souldiers, vvere lawful civil Magistrats, at this time, having power and authority from God, to use such civil force and coaction, and not rather usurpers. But we need presse this no further, having ground sufficient, to maintaine what we assert, even yeelding this unto the adversaries.

After that *Naphthali* had considered these passages of Scripture which were objected to the impaneled, He proposed two other to be examined: The first vvas *Ioh. 18: 36.* „If  
 „my



my Kingdome vvere of this world, then would my servants  
 fight that I should not be delivered to the Ievves, *unto which*  
 Naphtaly answered him. As the intent & scope of our Lord's  
 answer vvas to clear himself of that calumny objected  
 against him by the Iewes, that he made himself a King in  
 opposition to *Casar*; So the meaning of it is plaine and  
 obvious, to wit, That our Lord's Kingdome is not of  
 the Nature, and for the Ends, for vvhich other Kingdoms  
 of this World vvere instituted; but vvholly spiritual, for  
 declareing the Truth, & thereby gaining souls unto glory:  
 Whence as our Lord vwould there inferre, that he came  
 not to conquer to himself disciples by outvvard forcè, and  
 thereby to gaine follovvvers to the spoiling of *Casar*, and  
 other Princes; So it is vvithout all shaddovv of connexion,  
 thence to conclude, that a people having received the  
 blessing of the gospel, and Kingdome of Jesus Christ,  
 should vvithout resistance suffer themselves (to the manifest  
 dishonour of God, and the hazard of the eternal damna-  
 tion of themselves and their posterity) to be impiously and  
 sacrilegiously spoiled and deprived thereof, vvhen they are  
 in capacity to defend the same. *This the Surveyer accounteth*  
*Pag. 268. an extravagant exposition; and why? Is not*  
*(sayes he) Christ's plaine meaning, to declare the nature of*  
*his Kingdome to be spiritual, by this, that none of his*  
*servants vvere engaged meerly upon this account, and*  
*under this formality, that they vvere his Servants, to fight*  
*violently for him? This vvas security enough to Caesar,*  
*& all Magistrats for ever, that none of his subjects should*  
*take up armes in his quarrel against them, but should only*  
*do so vvhen Religion came to be a Lawright, defensible*  
*under the Magistrats protection against all forreigners; But*  
*there is not the least hint of his saying, that he came not*  
*to conquere disciples to himself by outvvard force, his*  
*intention being meerly to give assurance, that violent re-*  
*sistence to our proper Magistrates, even in his behalfe, is*  
*unsuteable to his Kingdome.] Ansvv. 1. Mr Hutcheson*  
*on the place tels us, that Christ's scope here is expressly to answer*  
 \* \* 5

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5, to the accusation concerning his Kingdome, and speaks so  
much of it negatively, as might satisfy *Pilate*, That [it  
might vvell enough consist vvith the saifty of the *Roman*  
State. Therefore he shevveth that his Kingdome was not  
a wordly Kingdome; and for proof thereof, he instanceth  
how far he was from aspiiring to a Kingdome by force  
of armes, in that he would not so much as permit his servants  
to fight in his defence, as they offered to do, vvhen the  
jews came to take him.] This, in my apprehension, is  
not one and the same with the *Surveyer's* glosse, and lesse dis-  
crepant from *Naphthali's* glosse, then is his. 2. What though  
it should be granted, that none of Christ's servants vvere  
engaged, meerly upon that account, and under this forma-  
lity, to fight violently for him? Will it hence follow that  
Christians in a Kingdome, may not stand to the defence of  
the professed Religion, received and sworne to by King  
and all rankes, against manifest tyranny and oppression? I  
see not the consequence, seing they may do all this as civil  
Subjects, good countrey men, and loyal patriots: and this  
is enough for us. 3. Himself dar not deny, but even Chri-  
stians, subjects of Christ, may take up arms in his quarrel, in  
some cases, for he granteth it may be in this case, vvhen  
religion cometh to be a *Law right* defensible under the Magi-  
strates protection against forraigners; But, is there any  
ground for this exception alone in all Christ's answere? 2.  
If there be no ground more for this then for others, vvhy  
may not we put in our exception, as well as our adversary  
putteth in his? 3. If it become a *Law right*, why may it not  
as well be defended by private subjects, as other *Law rights*  
and civil libertyes, are and may be, even against Magistrates?  
4. Shall it not be defended even when it becometh a *Law right*,  
against forreigners, but under the protection of the Magi-  
strates? Then, if Magistrates will not concurre, private  
persons may not defend their Religion by force of armes,  
against an army of Turks Papists or Heathens, coming to  
presse all to Mahometanisme, Idolatry or Heathenisme?  
What height of absurdity were here? 5. Since Christian  
Magistrats are Servants to Christ, as well as Christian sub-  
jects;

jects ; Why shall it be more lawful for them to engage in Christ's quarrel under this formality, that they are his servants, then for meer subjects ; seeing Christ maketh no exception here, of one or other, nor distinction among his Servants ; and seeing this seemed to be as little security for *Cesar* as the other, if the scope mentioned by the surveyer be the true scope ? 4. The particular mentioned by *Naphtali* is more suteable to the true scope, then this vvvhich the *Surveyer* mentioneth : For the question vvvas not touching resistance to our proper Magistrates in Christ's behalfe. But whether Christ was a King or not: to vvvhich Christ answered That howbeit He vvvas a King, yet his Kingdome vvvas consistent vvwith *Cesars* Kingdome : And as he come not to conquere Subjects to himself by outvvvard force, so he minded not to erect a temporal Kingdom by armes.

*Naphtaly* did adde further. *The truth whereof, together with the hypocrisy of our adversaries, may soon be discovered, if the question be but stated in the teatims of one forraigne and independent prince's invading another, meerly upon the account of the Christian faith; and whatever solution or evasion they shall herein make, will as exactly quadrate to the case in hand, it being almost ridiculous to conceive, that the greatest-aggravations of invasions of this kinde, to wit, that it is made by a prince upon his owne subjects, (whose profession he himself is principally bound to maintaine) should import any speciality and difference in the cases. Unto this I finde no answer in special returned by the Surveyer, unlesse Pag. 267. he mean Naphtaly vvhen he sayes, But the Apolog. very paradoxically will maintain Pag. 159. That there is more reason to resist our owne Magistrates — then forraigners, because our owne being bound to maintaine our profession, his invasion upon the same is aggravate, and he is rather to be resisted by violence then others, ] for I finde no such thing in that place of the Apolog. by him cited, and that vvvhich I just novv mentioned out of *Naphtali* is indeed in Pag. 159. and though he miscite the vvords, and vvrest them after his vvonted manner, yet the Reader may see it probable that he intendeth *Naphtaly*. Howver let us see vvhat he answereth; *Thinks he (sayes he) That it were soundly**



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foundly said that if parents should make disorder in the house, *has the children, and rest of the family, should use violence rather against them, when they miscarry or waste the goods of the family, then against a thief or a robber breaking in into the house*

*Ans.* To passe by the unfuteablenesse of this Reply unto *Naphthali's* answer, as if *Naphtali* had concluded that there was much more reason for resisting our owne Magistrats then Forraigners, whileas an equality would have satisfied him, as his words clearly import; We say this to his reply, That when he hath demonstrated to us that Children and Servants, have as great right unto the goods of the family, and as great power and privilege in setting up their Parents the heads of the family, and of calling them to account for their mismanagement, as we have proved Subjects have in the common good, and in setting up of Soveraignes, and in calling them to an account, then shall his reply be noticed as having some parallel; but till then we dismishe it with this answer, that the *simile*, as to our poynt, is *prorsus dissimile*, and can conclude nothing: Yea, let us turne his owne weapon against himself and say, Seing Children and Servants may lawfully with force, with hold the heads of the family, when they in a fit of phrensy, are labouring to destroy all, to burne the house above their heads, or to cast all the goods in the house into a fire, and resist them no lesse then open enemies and robbers, thinks he it soundly said, That if Kings in a fit of madnesse & Tyranny shal seek to destroy the commonwealth & wholly overturne all Religion, to set up Idolatry & heathenisme, the Subjects may not withstand them, & prevent their owne ruine, and the ruine of Religion, with force of armes, when no other meanes can availe? What will he say to this? Will he deny this consequence? If not, have not we enough? But he addeth, *The Authors error is this, that he looks meerly to the obligation of the Magistrate to us, and not at all to our obligation to him, even when he fails abusing his power.* *Ans.* He looks meerly to the obligation of the Magistrate to us, when he mentioneth the aggravation of his guilt of invasion upon that account; And whatever be our obligation to the Magistrate, (which *Naphthali* did not forget though he was not called expressly

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presly to mentione it then & there,) it will not follow that it is an obligation unto an illimited and stupide Subjection to him, in all cases; and if the *Surveyer* prove not this (vvhich I suppose he vvill not do) he vvill prove nothing against us.

What more sayes he to this place of Scripture? *Pag. 267.* after he hath given us, in his vvay, the meaning of these vvords of Christ, to vvit, *That Christ proves his Kingdome not to be of this world by this Medium, that if it were so, his servants (in the quality of his Servants) should take up outward armes and fight for him, &c.* Then he concludes that this text will enforce ——— that Christ's Subjects (meerly as they are in the capacity of his Subjects) are not to use the sword against Magistrates, that are over them, in his behalfe. And then sayes, he allowes well of Mr. Hutcheson's note upon the place ——— *Christ sayeth he by hindering his servants to fight, vvho vv ere but private men, as to any civil povver, hath taught that private men are not vvarranted to dravv the svword, vv ere it even in defence of Religion, but they ought to maintaine it by suffering, when called to that extremity.]* *Ans w.* 1. We have shovne already how this man's glosse, and Mr. Hutchesons do not every way quadrate. 2. If this text enforce that Christ's subjects, meerly as they are in capacity of his subjects, are not to use the sword in Christ's behalfe; then, He must either say that people even under the conduct of a lawtul Magistrate cannot defend Religion by armes (which yet immediatly thereafter he granteth) or say, that when they defend Religion so, they act not meerly in the capacity of Christ's subjects. 3. As for Mr. Hutcheson's note which he opposeth to all our rebellious fancies, we say, we wish that that worthy author who hath given great proof of his dexterity in deduceing poynts of doctrine from the text, had been, after his usual manner, more acurate here, and had guarded his assertion better, that it might have had a more clear rise, every way answering the ground it was deduced from: for sure I am, this ground (if it be at all against defensive armes in matters of Religion) will as much speak against a defence used by Magistrates, upon this account, as by privat Subjects; for the ground is the same, to wit, that Christ's Kingdome is not of this world, and alike concerning Magistrats and people, and is

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no more a temporall Kingdome in regaird of Magistrats, then in regaird of private persons. And upon the ground that Christ would not suffer his Disciples to fight for him, at that time, upon the same ground he would not have suffered even Magistrats to fight for him, for he behoved to drink the cup that his father gave him: And neither Magistrates nor privat persons, could have hindered that by force, or would have been permitted to do it, by him: And *if it be said* that from other passages it is clear, that Magistrates, who are nourishing parents to the Church, are allowed to use the sword. We *answere* That we have also proved from scripture and reason, that people, in some cases, may use the sword of defence for Religion. Again if *it be said*, that his Disciples were but private persons, as to any civil power, and therefore it is only to be understood of these. *It is answered* That it will as well follow, That because they were fisher-men, therefore it is to be meaned only of these, and of none else; or that because they were Church officers, therefore, only they must not use the sword, and so all others may.

The last place which *Naphthaly* mentioned, was *Math. 5: v. 27.* to the end, where it is said, *Resist not evil but whosoever shall smite thee &c.* with the parallel places, specially, *Rev. 13: v. 10.* Unto which he answered, *That as these places do enjoin either patience, when the clear call and dispensation of God do inevitably call unto suffering, without which patience were no patience but rather stupidity or &c. --- So thence to inferre that Men should give way to all violence and sacrilege (to the subverting of Religion and righteousness) is after the manner of Satan, to cheat and abuse men by the holy Scriptures.* The Surveyer replyeth thus, (I meddle not with his impertinent reflections, and scurrile jibes, nor vvith his groundlesse inferences, vvich vve have so oft met vvith in the former part.) *The scope is, to shew the unlawfulness of private revenge, for injuries done to us, — and the place will condemn plainly enough violent retaliating the Magistrate, when we think he doth us wrong.* *Ans.* The scope of the place is obvious; and doth no more condemn private persons retaliating the Magistrate, then Magistrats retaliating privat Subjects unless



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unlesse Magistrates be exempted from this precept, and consequently be not to be reckoned among Christ's followers. And as from this place, it will not follow, that one independent King may not make war against another, and thereby defend his rights, nor that one private person may not defend his rights and just possessions against an invader, no more will it follow, that Subjects may not defend themselves and their Rights, Libertyes, and Religion, against the violent oppression and Tyranny of Magistrats. Next sayes the Surveyer, *Pag. 269. That every Man in his calling ought to withstand violence and Sacrilege to the subverting of Religion and Righteousnesse, is granted: Yea privat Men may resist the unjust violence of private Persons, and being under the conduct of the Magistrate, may resist any that offereth violence, in lesser concernments then these are: But we still maintaine that this text forbids all revenge or violent retaliation upon the Magistrate though he abuse his power.* *Ans.* The question is not what he will still maintaine that this text doth forbid; but what he can evince that this text will prove against us. How will he prove that this text doth more forbid private persons, to resist the unjust violence of Magistrats, then to resist the unjust violence of private persons, or to resist the unjust violence of any, having Magistrats to conduct them? Is there any exception in the text? Doth not the text speak to all in reference to all? To wit, that they should resist none out of a Spirit of private revenge? Again though the text forbid all revenge or violent retaliation upon the Magistrate, though he abuse his power; will it therefore forbid private Subjects to defend themselves by force, in case of necessity, from manifest and unjust violence and Tyranny? No: no more then because the text doth forbid even Magistrats to revenge or retaliate, from a Spirit of revenge, wicked Malefactors, It doth therefore forbid them to execute justice upon them.

*Naphthaly* did add, that this was „[grossly to exceed „that signal rule mainly in these places intended, to wit,] that we should be perfect even as our Father which is in Heaven is perfect; „[Who though he filleth the Earth „with his goodnesse, — yet doth he love righteousnesse

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„ nesse, and helpeth and delivereth the oppressed, and com-  
 „ mandeth the Zeal of his owne glory (wherein he himself  
 „ doth often eminently appeare) by the hand of his people,  
 „ to take vengeance on his adversaries. To this the *Surveyer*  
 replyeth. „ [What strange argueing is this, that because  
 „ God Almighty executeth vengeance upon his adversaries,  
 „ therefore private persons should follow his perfection in  
 „ doing the like albeit they have not his warrand or command  
*Ans.* *Naphthaly's* Argument ran mainly upon „ [helping and  
 „ delivering the oppressed.] Neither doth he conclude  
 what private persons may do without God's warrand or com-  
 mand. This he supposed because he had evinced jt. Then  
*Naphthaly* closeth saying, „ [Let us therefore in the considera-  
 „ tion of what is said, *Rev. 13: v. 10.*] He that leadeth into  
 captivity shall goe Into captivity. He that killeth with the  
 sword &c. „ [Both possesse our souls in patience, under all the  
 „ former sufferings, and hope and rejoyce in the faith of the  
 „ succeeding delivery there subjoynd.] „ [Upon this  
 „ (*sayeth the Surveyer*) he would found the consolation, and  
 „ patience of his party in all former sufferings, and his hope  
 „ and joy in the succeeding delivery.] *Ans.* And why  
 might he not? „ [That word (*sayeth he*) *Rev. 13.* toucheth  
 „ not, nor threatens the Magistrate in the execution of ju-  
 „ stice; but rebels, who use the sword without God's  
 „ warrand, against the Magistrate, may read their reward  
 „ in this text.] *Ans.* We say not that it threatens the Ma-  
 gistrate executeing justice. But let such see to it, who in-  
 stead of executing justice, pervert justice, and execute the  
 innocent people of God. And, after the manner of the Beast  
 there spoken of, maketh war with the Saints: And so may  
 all rebels against God who use the sword without his war-  
 rand. But as for privat Subjects defending themselves by  
 the sword of innocent self defence, against unjust violence,  
 and intolerable tyranny and oppression, we have proved that  
 they want not God's warrand, and therefore they may  
 look for another reward. And as for his hope and confidence  
 after expressed, we let it passe as not worth the mentioning;  
 for when the hope of the Hypocrit perisheth, his is like to  
 give up the Ghost.

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Having thus answered all which this *Surveyer* hath said, whether in his first part, or now in his second, against the truth which we have maintained, we may safely say that these valient worthies were basely and unworthily murdered, & that there was no just cause to take their lives. This man *Pag. 260. &c.* Will not have them justified, and adduceth, for the most part, such reasons, as make me doubt whether he can be the same man, that drew up the first part of this *Survey*, because they are the very same things we heard before in the first part; and is it possible the man could have forgotten himself, or think that we could so soon have forgotten what we heard in the first part, and had answered; And if he be a distinct person; I wonder what the man meant, to give us the same things over againe: did he ever read these in the first part, or had he forgotten that ever he saw them? Or thought he that they would have the weight of gold coming from his Mouth, while they had not the weight of stubble being uttered by his colleague? He beginneth that discourse with palpable untruthes, saying That they *suffered not upon the account of owning the covenant.* Whereas the maine Argument of their indictment was. *That all convocations and rising in armes, or subjects entering in leagues without or against the King's authority are treasonable.* Then he tels us. *That all which they can say for their rising was that the Magistrate, by moderate penalties according to law, was pressing them to attendance upon the ordinance of God, which is an indispenfible duty.* This we heard before and is answered Chap. XVI. *Pag. 348. &c.* Neither was the penalties moderate, nor were they exacted according to law, nor were they thereby pressed to attend that ordinance which is an indispenfible duty; But they were pressed to a sinful compliance with abjured prelacy, contrare to their vow and Covenant, by barbarous tyranny. Then he sayes. *Their lives were not sought upon any tearmes.* See the place now mentioned where that is spoken to also: and to all of common sense it was notour, that their case was a case of most inexcusable necessity, their misery being so much the greater that their lives were left them to see themselves miserable, as if

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the barbarous enemy had intended onely to make them live to see it. Neither was there any flying for a whole countrey side: with their wives and children, and therefore what *Lex Rex* sayeth *Pag.* 327, 328, 329. confirmeth the lawfulness of this. As to their not supplicating mentioned by him next, it is spoken to also in the place cited: And however he may think now to incrustate that tyrannical and irrational act, forbidding all joynt supplications; yet the whole land knoweth, that if that oppressed Countrey had attempted any such thing, they had been accounted guilty of *Loſe Maieſty*. And had gotten no other relief of all the illegal impositions which inferiour officers did lay on. Thereafter he calls it a notable contradiction to say that their rise was *indeliberate*, and yet *Lawful, iuſt, holy, exemplary, neceſſary*: And that the godly *ancients* never enrolled them among *martyrs*, who by their owne rashnesse had occasioned their owne sufferings. *Anſw.* As if an action might not be both *lawful iuſt and neceſſary*, though the first rise thereof might have been unexpected, and a meer surprisal of providence: And as if every action were sinfully rash which were not long and deliberatly before contrived. So then by their rashness they did not occasion their sufferings; but, by a surprisal of providence, being called to their owne defence, and to a vindication of their libertyes and Religion, while they were murdered upon that account, they may very lawfully be enrolled among the Martyrs. Then *Pag.* 261. he sayes. *They were the first-aggreſſors, and first ſlew one of the Kings ſervants.* This was told us in the first part, and is answered: And who knoweth not that the first aggreſſor may be first killed. See what is said to this *Pag.* 350. Then he sayes the *Novatians & Donatiſts* were not accounted *Martyrs* albeit sometimes they were drawn to death by persecuring pagans—such a foul *ſtaine* did they see in *Schiſme*. *Anſw.* And indeed upon the same ground, if any of this corrupt apostat faction, which hath made defection from the received Religion, reformed in doctrine worshipec discipline and Government, and sworne unto by our whole Church, were drawne to death by pagans, under the common notion and name of Christians, they could not be

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be accounted Martyres, because of their sinful and perfidious renting of the body of Christ. They, and not the honest party who adhere to their principles, are the schismaticks, The *Novatians* and *Donatists* who departed from the truth, & not the honest Christians who remained constant, were the true schismaticks. Nor doth *Naphthali* fix them in a schisme when he teacheth, that they were indispensibly tyed by the Covenant, to abhorre a compliance vvith these courses of defection, more then the honest fathers of old did fix the honest party in a schisme, by teaching that they vvere not to imbrace the principles and practices of the *Donatists* and *Novatians*. The 6. And last particular which he mentioneth *Pag. 262.* is but a heap of groundlesse calumnies, to vvit, that their designe vvvas to put downe all authority, to destroy all who would not accept of their sense of the Covenant. to place themselves in the chaire of authority, of which stuff we have had enough in the former part, and shall say no more now, but that it is plaine, their cause is desperate and gone, when they must flee to lies for refuge, but to show how perfectly they are assimulat to the spirit which drives him, they will be both lyers and murtherers.

And now. Noble patriots (for to you would I speak a word ere I close) though I have, in some weak measure, endeavoured, to vindicat the lawfulnessse of your noble and heröick enterprise, to raise up the Virgin of Israel, who was fallen, and forsaken upon her land, yet you stand not in need of the help of any such weak advocat, as I am, your witnessse is in Heaven, and your record on high: It is he who justifieth, and therefore though now you be hunted, as partridges on the Mountaine, and be a People robbed and spoiled, snared in holes, hid in prison houses, and be for a prey, and none delivereth, for a spoile, and none sayeth restore, you need not be troubled who condemne you, This being your rejoyceing, even the testimony of your conscience, that in simplicitie and godly sincerity, not with fleshly wisdom, but by the grace of God, you have had your conversation in the world, and more abundantly in this particular. And therefore may you depart from the presence of Councils (when brought before

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before them, upon this account) *rejoycing that you are counted worthy to suffer shame or what else, for his name.* Stumble not at the wise dispensations of God, *nor think it strange concerning the fiery tryal which is to try you* (and dayly experience telleth us that this continued tryal maketh nev्व discoveries) *as if some strange thing hapned unto you, vvhhat ever strangers to God and such as judge of him, and of his holy, sublime and vvise dispensations by carnal sense, may think, but rejoyce in as much as yee are partakers of Christs suffering.* That when his glory shall be revealed (if not in this vvorld dureing our dayes, yet in the vvorld to come) *you may be glad also with exceeding joy:* Yea if you be reproached for the name of Christ, much more if you be put to harder sufferings, *happy are yee, for the spirit of glory & of God resteth on you;* since it is undenyable, that on their part who are your Enemies, *he is evil spoken of, but on your part he is glorified.* Though men think that *you suffer as murderers, or as theeves, or as evil doers, or as busy bodies in other mens matters.* Yet having an undoubted ground of perswasion, that *you suffer as Christians,* for owneing Christ's interest, and his Covenanted work in the land, you need *not be ashamed, but have cause to glorify God on this behalfe.* And since you *suffer according to the will of God, commit the keeping of your souls to him, in wel doing as unto a faithfull Creator.* Bewar of snares and sinful bonds, for the same spirit of Malignancy and enmity to the interests of Christ, acteth in these, which acted in that bloody persecution: the same designe is carryed on, to wit, the constant banishing of Christ and his interests out of the land, and the establishing of these grand images of jealousy which provoke to jealousy. O for that truely divine zeal vvhich would more eate us up, for the house of God which is desolate, and his precious interests which are perfidiously sold, and wickedly trode under foot, and which would make us never to sit downe satisfied with any concessions, or favours, how specious soever, until we saw our King restored to his owne, and brought back to his throne and Kingdome with shoutings and acclamations of joy. O dearly beloved stand fast: And beware I say of snares; but haveing done all stand with



with your loins girt about with truth, and your feet shod with the preparation of the gospel of peace; as you have not been frowned out of your integrity, so take heed ye be not flattered out of it, be not so simple as to beleev every word that is spoken; for he must shut his eyes and love to be blindfolded, who doth not perceive, that while the men that lye in wait for your halting, and designe to draw you into a compliance with their course of opposition to the work of God, speake fair, there are seven abominations in their heart. Let your eyes be in your head: Hold fast what ye have, that no man take your crowne? The devil is changing weapons upon you, with a designe to give you a parting blow: be vigilant, resist him under every shape whereinto he transformeth himself, that he may assault & overcome you; so shall he at last flee from you, and ye shall be more then conquerours through him who hath loved you: your *Exit*, though upon a scaffold, will be unspeakably joyous, and full of glory, and when ye have made it appeare (if called there to) that ye love his interests so well, that ye continue not to love your owne lives unto the death; then shall ye be associat with your blessed brethren, and fellow sufferers, who overcame the same enemy that continues to make war vvith you and the remnant of the vvomans seed, by the blood of the lamb, & the word of their testimony? Ye have not only the advantage of all your persecuters, but of many of the professed yea real friends of the vvork, a great many of vvhom, vvhen called by the same providence to appeare vvith you, unto the help of the Lord against the mighty, did couch under their burdens, and abode amongst the sheepfolds, to hear the bleatings of the flocks, vvhile like true *Naphthali's* ye jeopardded your lives in the high places of the field, some of vvhom it may be have added grief to your sorrow, & have condemned your rising, to justify their owne sinful shifting, and sitting that opportunity; against vvhom we know ye meditate no other revenge, then still to love many of them as brethren, & pray that their leaving you alone may never be laid to their charge. And of some also vvho pretending respect to the cause, did a great deal

worse, by associating themselves with that enemy, vvhich with open mouth did come upon you to eat you up, the expectation of whose heart may be dreadful, when he cometh to make inquisition for the blood of his saints, and they may tremble at the thoughts of being led out with these workers of iniquity, with whom they joyned themselves in the day of your distresse. I wish that repentance may prevent this ruine: ye have I say the advantages of these, & have obtained mercy of the Lord, to doe and suffer for his sake while many of your brethren have fainted and fled. Keep your ground, for ye are Satans great eye sore; he seeks you, to shake and winnow you with the smooth & flattering insinuations of the men vvwhose great designe is to secure and settle themselves on the ruines of the vvork of God, and seem to offer something, if ye vvill give them security for your keeping the publick peace, that is, if ye vvill never offer to put out your hand to strip them of the spoiles of Christ's honour, wherewith they have cloathed themselves; this is to keep their publick peace, to let them live in a peacable possession of vvhat they vvith vvicked hands have taken from Jesus Christ, and never to trouble that vvatch vvwhich they have set about the grave of his buried interests, for fear of its resurrection. But I hope that he who hath delivered your soul from death, and preserved you vvwhile they hunted for your precious life, will also deliver your feet from falling, that ye may, holding still your integrity, vvalk before God in the light of the living.

And though the Lord think good to hide his face for a time, *Let us waite on him who hideth his face from the house of Israel, and let us look for him, vvho knowes but he be waiting that he may be gracious, and that he will be exalted that he may have mercy upon us: For the Lord is a God of judgment, blessed are all they that waite for him. Who knoweth but the vision be only for an appoynted time, and at the end it shall speak and not lie, therefore though it tarry, let us waite for it; because it will surely come and will not tarry. Then they vvho are our enemies shall see it, and shame shall cover them who said*

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unto us, where is the Lord your God? Our eyes shall behold  
them, and they shall be troden down as the mire of the streets,  
we shall no more be tearmed forsaken, neither shall our land be  
tearmed any more desolate, but we shall be called Hephzibah,  
and our land Beulah, vvhhen our Lord shall delight in  
us, and our land shall be married: Let our King  
come, and make haste. To him be glory for  
ever and ever. A M E N.



ERRATA.

## E R R A T A.

**P** *Ag. 3. Lin. 34. Read sincerely, p. 12. l. 18. r. there may.*  
*p. 34. l. 6. for this r. his. p. 38. l. 21. r. from a : Ibid. l. 22.*  
*r. difference. p. 71. l. 20. r. mightily. p. 79. l. 27. r. precedents.*  
*p. 83. l. 23. r. Aristocracy. p. 98. l. 34. r. Kings. p. 111. l. 17.*  
*r. at. p. 151. l. penult. for is r. his. p. 188. l. 4. r. politician.*  
*p. 224. l. 13. r. precipice. p. 237. l. 33. for only r. cheif. p. 256.*  
*l. 15. r. absurd. p. 311. l. 13. for virmillion r. nitre. p. 429. l. 31.*  
*r. his cause. p. 437. l. 7. r. this.*

## R E A D E R,

**I**F in some Copies thou finde some moe such like, or some  
 other, through the transposition of *Points* or *Letters*, or one  
*Letter* for another; as *n.* for *u.* or *t.* for *r.* or *f.* for *f.* or the  
 like, that will not readily marre the sense; thou mayest be  
 pleased to correct these, as thou readest.

J U S



## JUS POPULI VINDICATUM.

O R

The Peoples right, to defend themselves and  
their covenanted Religion, vindicated.

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## C A P. I.

## The Question cleared and stated.



HE Surveyer, taking but an overlye, slight and superficial vieu of the books, he would make the world beleeve, he confuteth, measureth out and treadeth down (as any of ordinary capacity, compareing his wordy but unworthy pamphlet, with what, is orderly & methodically set downe, and strongly and unanswerably confirmed (as the event shall demonstrate) in these books, which he unmanlike snarleth at, rather then answereth) thinketh it of his advantage (as it is the advantage of all who desire not to be seen in their own colours, nor to have plaine truth discovered, and their pernicious errors and practices suteable thereunto, unfolded, to cast a mist before the eyes of such as would observe them, or raise some *ignis fatuus* to misguide them, & take them off the way) to use his out-most endeavour to deceive his un-

warry & inadvertant reader, & lead him, (who is so simple as to beleeeve every thing which he and his fraternity say, though they have manifestly and undenyably forefaulted all faith and credite, with all who know what is the fundamental bonde of all society and commerce) into the same sinful and irrational abhorrencey, of an exploite and interprise so consonant to scripture, law, equity and reason, and to the practice of worthy Zelots abroad, and at home, from the very beginning of the work of reformation; and for this cause, as he hath foolishly and ignorantly paralleled these worthies, ( whose late practice we shall, godwilling, abundantly vindicate, from all which this flaunting and windy adversary, who cometh forth to shake his speare, as if he were another Goliath, hath said here against it ) with the irrational, furious, and brutish rabble of Anabaptists who followed *Knipperdoling* and *Iohn of Leyden*; So all alongs in his discourse; he hath not only snarled at, picked out, and miserably wrested some expressions in these books he would confute, especially in the *Naphthali*, and then run away with a cry *veni, vidi, vici*, as if he had gained the day; which way of dealing with an adversary, is, to all men of judgment and understanding, very un-faire, base and puerile, no way befeeming a man pretending to plead for truth, and to discover verity, as he pretendeth to do; yea judicious persons will, from such dis-ingenuous & unhandsome way of answering, easily perceiue on whose side trueth stands firme & unshaken; But ( which is yet more palpable and grosse ) he hath either ignorantly, or fraudulently, perverted the true state of the question, both in *Theses*, and in *Hypothesis*. which is a sufficient proof of the desperatenesse of the cause which he would maintaine, and of the mans purpose to wrangle, when he cannot answere, and to buske up an adversary of straw to himself to fight against, when he cannot, dar not, look his real adversary in the face; and a ground more then sufficient to make wise men judge, that he hath rather confirmed the hands of his adversaries and strengthened their cause, then, in the least, weakened the same, for all his hidious out-cryes, and dexterous heaping up of many words to little or no purpose, unlesse to take with such, as think the best cause is on their side,

who

who have the manyest, most darring, big and plausible expressions, but are not able to judge righteous judgement, nor discern whether or not there be true ground for such confident exclamations. and bold assertions. I am confident that all who have not prostituted their judgements and understandings, to a blinde and irrational beleef of what, such as have un-manned themselves, and voluntarily given away that masculine constancy and fidelity, which men, but of ordinary spirits, would account the height of baseness; and have now adorned themselves with a more then feminine levity, yea, and embroidered themselves with such a dale of intolerable falshood, unfaithfulness, impiety and perjury, as would make Heathens, (though none of the best refined) account them unworthy of humane society, do, with more then ordinary confidence, and bold audacity, assert and maintaine.

That I may not, after the a methodical methode of this disputer, who loveth to walk in by-ways, still keep the Reader in the dark, I shall first cleare the true state of the question, confirme the truth, and vindicate it from what he here asserteth, answereth, or objecteth, that is apposite to the purpose; forbearing once to take notice of his many scurrilous, base, unchristian, yea and un-manly expressions, which shew what spirit he is of: and afterward I shall consider and examine his excursions which have not such a close connexion with the present question, as he would make his Reader believe, lest he should vaunt, as having spoken that which no man can answer.

That it may appeare what is the true state of the question, we would premit these few things as necessary to be considered.

*First.* That the whole body of the people of Scotland were engaged to God, by solemne Covenants, vowes, purposes and promises, frequently renewed, to owne and endeavour, really, sincerely, and constantly, through the grace of God, in their several places and callings, with the hazard of life, lands goods, and all what they had, the preservation of the reformed Religion, in the Church of Scotland, in doctrine, worships, discipline and government; and without respect of persons, the

extirpation of Popery, Prelacy, Superstition, Heresie, Schisme, Prophanesse, and whatsoever shall be found to be contrary to sound doctrine, and the power of Godlinesse, lest they should partake in other mens sinnes, and thereby be in danger to receive of their plagues: and that they should mutually, with the Privileges of Parliaments, preserve and defend the libertyes of the Kingdome: and in this common cause of religion, liberty, & peace, assist and defend all those, who would enter into these bonds, in the maintaining and pursuing thereof.

*Secondly.* Not only did the body of the commonalty subscribe, and solemnly with hands lifted up to the Most High God, sweare these Covenants and engagements, at the command of Magistrats; But the Magistrats themselves, both superior and inferior, did take on them, in a most solemn manner, these same vowes and engagements, and solemnly promised, as they should answer to God in the great day, to promote this covenanted work of Reformation, and to prosecute, in their places, stations and capacities, the Ends of the Covenant.

*Thirdly.* When this King (vvho did svveare and subscribe these Covenants, before he came to Scotland) vvvas crowvned, and solemnly inaugurated, He not only renevved these solemn vowes and engagements; But upon these termes and conditions, vvvas he admitted; the people declared their vvillingnesse to admit of him, as King, the svvord vvvas put in his hand and accepted, the People did svveare fidelity, and allegiance, according to these Covenants; the like did the Nobles one by one, viz *svveare to be true and faithfull to him, according to the Nationall, and solemn League and Covenant.* And all this vvvas aftervvvard, vvhen the King attained the age of 21 years compleat, in a full and free Parliament, ratified, concluded, and enacted by King and all the Estates of Parliament: vvhereby as *Naphthali, Pag. 72.* vvell observeth, the same did passe into a perpetual lawv, and became one of the principal fundamental lawes of the constitution of our Kingdome, vvhereupon all the rights and privileges, either of King or People, are principally bottomed and secured. These things, as to matter of fact, cannot be denyed.



*Fourthly.* Whatever was done of late, by King or Parliament, or enacted, and concluded contrary to these covenants, vows and engagements, was (as unlawful, so) a real and formal subversion of the fundamental constitution of our Christian and reformed Kingdome; This none will deny who knoweth the true nature of these covenants; and the real interest they had, and yet have *de jure*, in our constitution, before this late revolution, as was now expressed.

*Fifthly.* Notwithstanding of all that hath been done by King and Parliament, of late, in rescinding, abjuring, and looseing of the obligation of these National bonds, and divine covenants, yet they remaine Covenants, and National tyes perpetually obligeing, before God, the King, Nobles, & People of all rankes; and will do, so long as *Scotland* is *Scotland*. This is abundantly made out, by the *Apologist*; and is a fixed and everlastingly confirmed truth, in the hearts of all who fear God, and looke for his appearing as a swift witness against all such as sweare falsely.

*Sixthly.* That nothing was allaiged or allaigeable, against those persones in *Galloway*, and places adjacent, as ground, or cause, or occasion of all that extremitie and rigour of iniquity, that was exercised against them, but their simple non-obedience to the act enjoyning conformitie and obedience to the Ecclesiastical authoritie then established, which was diametrically opposite unto their vow and promise, in their solemne and National covenants. So that really, upon the matter, their suffering was meerly because of their conscience making, and faithful endeavouring to adhere, through the grace of their God, unto their covenants and engagements solemnely sworne and taken.

*Seventhly.* It will be easily granted by all rational persons, That in all Kingdomes and Commonwealths, a free people not redacted unto a state of base bondage and slavery, should be ruled and governed civilly, according to the civil and municipal lawes of the land, and not by military force and cruelty. Tyrants use to lay aside the wholesome and established lawes of the land, and to rule in an arbitrary manner, by the cruel and mercyleffe sword, because they neither intend, nor seek the good

of their subjects ; But only their owne ambition and base ends ; But Magistrats who ought to seek the good of the common-wealth and preferre it to their owne particular ends, will have respect to the lawes , and accordingly rule their subjects , and not by an arbitrary cruelty, and force of armes, which are used against enemies.

*Eighthly.* The very law enjoying this conformity, prescribeth the way how the same shall be put to due execution, viz. [ That , for this end the Council shall call before them all such persons, , as after admonition of the Minister , in presence of two sufficient witnesses, and by himso attested, shall be given up to , the Council as transgressours of this act -- and the same after , hearing of parties, being duely found, to decerne & inflict the , censures and penalties ] And although the very law itself be so iniquous and intolerable, as would undoubtedly bring sudden ruine, to all such as would not obey the same, and that in a very short time ; yet if this legal manner of procedour , had been followed , the execution , (though cruel , and sufficiently barbarous , the penalty having no futeable correspondence with , nor proportion unto , the supposed transgression ; for , can any think that a persons absenting himself twice or thrice from his owne parish Church , can be a transgression of such a high nature , as no penalty lesse then the fourth part of his Estate, can compensate ? ) had not seemed so arbitrary or tyrannical ; but when such a grievous law, is more grievously executed , and that arbitrarily, and illegally , is not this a very intolerable oppression ?

*Ninthly* It is notourly knowne and unquestionably clear, and alas, too too wel demonstrated by black, Tragical and indelible characters of ruine, extirpation, and beggery of many honest families, yea, and of landed and sufficiently provided Gentlemen and others, so that none will, or can , ( if he hath not resolved to beleieve neither what he seeth , nor what he heareth ) deny it : That Sr *James Turner* , and his souldiers , under pretence of executeing this law , used such inhumane cruelties, savage barbarities , unparallelable exorbitancies, by illegal amercements, fineings, quarterings, plunderings, beatings, dragging to prisones, wounding, binding

binding men like beasts, chafeing them to moors and mountains, laying waste their lands, houses, and habitations, devouring what they could with horse, dogs, & men, burning plenishing, utensils and other necessaries in houses, and thus laying whole parishes and almost countreysides waste and desolate, and that without respect had to conscience humane, let be Christian, to law divine, civil, or municipal grievous or not grievous, yea without respect had to persones guilty or not guilty; for when they had consumed the Landlord, they oppressed the Tennants though not guilty, & when they had ruined the Tnenants, fel upon the Landlord, though a conformist, avowing and professing they came to destroy, and they would destroy; nor having any respect to poor or rich, widowes or married persons, old or young, yea, or to such as stouped for age, to sick, or bedrid creples, or to one or other; yea and did sesse and quarter, till persons were forced to pay such summes, as the civil judges, before whom the cause was depending, had not determined to be justly addebted by them. All which is fully, and particulary laid open by *Naphhtaly*, and will appeare to all who have not renunced humanity, to be more then lesser injuries, as the *Surveyer* pag. 70 is pleased to account them, and to be most unjust, though he make a question thereof, yea and such grievous and intolerable oppressions, the hundereth part whereof (as *Naphhtaly* said well,) would make him and his complices curse both God and their King.

*Tenthly.* To all these forementioned cruelties and barbarities, He added this, that he would suffer no man to complaine to him of any wrong they had suffered by the brutish and barbarous souldiery, nay nor supplicate for relief, and if they did, their cause was helped by doubling their miseries, yea, and which might exceed all beleef (if its notoriety were not undenyable) forced them, after all these horrid, dreadful, inhumane, and brutish outrages and oppressions, to subscribe an acknowledgment, That *he had used them civilly and discretly*; and there by necessitated them to deny what was as notoure as the sun at noonday, and their very common sense and feelings, and also to prejudge themselves of all hope or possibility of getting redresse by law.

*Eleventhly* Though this forementioned acknowledgement had neither been asked nor granted, yet their condition was irremediable: for neither they, nor any in the land, might Supplicat King or Council, either for relaxation of the rigorousnesse of the lawes, or for a more civil, moderate, yea or for a strick and legal execution of the iniquous and grievous lawes made, under the paine of treason and *lese Majesty*. Though it vvas an old received maxime, and is to this day, vvhether tyranny is not avovvedly exercised, that *civis licet supplicare & protestari*: yet the late Parliament concluded, contrary to the lavv of nature and nations, That petitions vv ere seditious and treasonable. So that howv arbitrarily soever King or Parliament, yea or Council, or any deputed by them, did rage, or should oppresse & injure the Subjects, vvhether in conscience, body or goods, there vvas no remedy, nor hope of redresse, no petition or supplication how humble soever, might be once presented by the grieved subjects: yea nor durst they meet together to poure out their complaint unto the God of heaven, the hearer of prayers, & the righteous judge of heaven & earth. What height of oppression & tyranny this is, Let all the vvorld judge.

*Twelvethly*. It is uncertaine, yea much doubted, if *Sr James Turner*, that singular instrument of barbarous cruelty, had any commission from King or Council, impovvering him to such illegal exorbitancies (whatever he might have had, under hand, from some Members of Council vvho had most sold themselves to cruelty, and to the utter extirpation of all who would not run vvith them, to the same excessse of riot) sure if any such thing be, the records vvill manifest it; but since they cashired him and some of his associats, and made an offer of causeing him ansvere for vvhat he had done, it is very probable, he had no formal commission for vvhat he did; and yet since he and others are permitted to live, after such cruelties, barbarities, and unheard-of vvickednesses, and no reparation made to the persones injured, it is certane he is but too vvell approved in all he did, and of vvhat use this shall be, vvill appeare afterward.

*Thirteenthly*. The intent and designe of those poor people who rose in armes, was not to dethrone the King, to enjure him, or to lessen his just and legal authoritie; but to resist, repel, and



and defend themselves from , unjust violence and oppression ; and to seek reparations of the wrongs done them ; and the removal of that detestable and abjured Hierarchy , the establishing and upholding of which, as it was, & is a great provocation of the anger of God against the land , so it was the fountaine and rise of all these horrid oppressions which they suffered , and of the making of such grievous statutes , and establishing iniquitie into a law , and was to be a lasting cause and occasion of violent, unjust and illegal oppressions, and intolerable vexations to all the faithful of the land ; and withal, to have security for their lives, lands, libertyes, consciences, and Religion, conforme to the agreement made with his Majesty , and the National Covenant, and the Solemne league and covenant, which he solemnely swore once and againe , and vowed and promised to defend and prosecute, in all their ends: and that for this end, all such lawes made for prelacy, and against the work of God and the reformation, which through Gods blessing we had attained to , might be repealed , annulled and rescinded. This and nothing else could be the intent and designe of these valient though naked worthyes. That they intended no harme to the King, or to his just & lawful government & authority , is notoure by the last speeches & testimonies of such as were apprehended & publickly executed ; & the petition Which they sent in to the Council with *William Lawry* Tutor of *Blakewood* doth abundantly testify that they would have had the free exercise of their covenanted Religion & freedom from the domeneering tyranny of Prelats & their adherents ; their renewing of the League & Covenant doth sufficiently cleare that they intended no insurrection or rebellion against the Kings just and lawful authority ; for they swore to defend the Kings Majestyes person and authority , in the preservation and defence of the True Religion , and libertyes of the Kingdoms.

From these considerations, we shall now lay downe the true state of the question, thus.

„ Whether or not, when the whole body of a land, Magistrats  
 „ higher and lower , and People , are engaged by solemne  
 „ vows, made to the most high God , joyntly & severally , to  
 „ promote a reformation, and to extirpat Prelats , & the same

„ covenanted work is becom a chief corne stone of the constitu-  
 „ tion of the Kingdom , and one of the mane conditions , on  
 „ which the King is installed on his throne ; and when these  
 „ same Magistrats Supreme and inferiour, renunce their cove-  
 „ nant with God, and with the People , overturne the work of  
 „ reformation formerly sworne to, make lawes and statutes to  
 „ fortify this defection , & to compel all their subjects to run  
 „ to the same excesse of perjury and wickednesse , and execute  
 „ these lawes upon the faithfull & stedfastly loyal subjects, not  
 „ in a civil orderly manner , but most imperiously and tyranni-  
 „ cally, with meer force & cruelty, and the edge of the sword  
 „ of souldiers , leavied of purpose for this very end , to crush  
 „ and oppresse all such as made any conscience of their vowes  
 „ and engagements unto God ; and when these barbarous  
 „ souldiers exceed their commission , or oppresse, plunder, ha-  
 „ rash , spoile, rob and pillage the people, and lay waste the  
 „ land , without law or expresse order from King or Parlia-  
 „ ment , yea contraire to the expresse letter of the law ; and  
 „ when the oppressed have not so much as liberty to supplicate  
 „ or petition for help or releefe ; may privat persons without  
 „ the conduct of a Parliament , stand to their owne defence, a-  
 „ gainst unjust & illegal oppression and tyranny , and oppose  
 „ such as, without expresse commission, endeavour their utter  
 „ ruine and destruction , though pretending warrant from the  
 „ superiour Magistrats , and allowed of them ; and seek a  
 „ redresse of these grievous & intolerable injuries, and liberty  
 „ for the free exercise of the covenanted reformed religion ,  
 „ with the extirpation of abjured Prelats, the spring and foun-  
 „ tane of all these miseries already come, and to be feared ,  
 „ while in the mean time they intend no harme to the supream  
 „ Magistrat's person or just authority , but sweare to maintaine  
 „ the same, in the defence of the true religion , and liberties of  
 „ the Kingdome ? Or a if you will have it shorter.

„ Whether or not, when King and Parliament and Council  
 „ have abjured a covenant, & overturned a reformation, which  
 „ they solemnely swore to defend, in their places & capacities,  
 „ and made their subjects do the same, and now with illegal  
 „ force, compel the subjects to the like perjury and wicked-  
 „ nesse

ness, may these privat subjects, when there is no hope or possibility otherwise of releefe, stand to their owne defence, and withstand the mercyleffe cruelty of their bloody Emissaries acting without their commission, or with their allowance, yet contrare to expresse law; and seek releef, and security for Religion, lives, lands and liberties, having no intention, to wronge the King's person or just government?

That this is the true state of the question, is abundantly cleare from the particulars forementioned, and I think no Scottish man, who knew the then state of affaires, and hath not renounced common sense, and resolved to beleieve nothing (though he should both heare it, see it, and feele it, and it were as notoure as the light when the Sun shineth) which is for the vindication of these poor people, will with any face, or shew of reason, be able to deny this to be the true state of affaires, & of the present question.

Hence we see, how the *Surveyer* sophistically & fraudulently presents the state (which he may well call the *great Knot*, as being no way loosd and laid open by him, as it ought to have been) of the question *Pag. 19.* when he sayes [„Whether meer privat persons, one or moe, separatly or joyntly, when they are, or think themselves unjustly afflicted, and extremly injuriously handled, by the Magistrate or Supreme power proceeding according to lawes agreed to, betwixt himself and the body of the community? Whether or not (upon supposition that these lawes are not just and right) may private persons defend themselves, against the violence of the Magistrate thus proceeding, even by violent re-offending; yea, in order to their owne defence, cut off the Prince or Magistrate whatsoever, or their Ministers and officers standing in their way, or when they are punishing them and afflicting them according to law?"] & againe *Pag. 21.* he sayes [The true state of the question at this time is, when the corruption of these who are in power leads them to abuse their authority, either in making unjust lawes, or punishing according to these, whether meer private subjects should with violence oppose all Magistrats, under whom they are, from the highest to the lowest, together vvith the plurality of the body



„ dy of that community vvhwhereof they are members, yea and  
 „ in their ovvne defence, destroy them all (if they be in proba-  
 „ ble capacity for such vvork, and if they cannot eschew this  
 „ and preserve themselves) yea farther, after they have subdued  
 „ (providence so permitting or ordering) all the magistrati-  
 „ cal power, and major part of the people, they may use a vin-  
 „ dicative, avenging and punishing povver upon all? (being  
 „ only persons of privat capacity) and to be sure he repeats  
 „ the same over againe *Pag. 24.* and sayes *Pag. 26.* [That the  
 „ vvay vvvhich vve clearly ovvne is, That every privat person  
 „ (when & so long as they are able, or are in probable capacity  
 „ to acte violently against the Magistrate) ought to coun-  
 „ ter act him violently, vvhen he thinks the Magistrate  
 „ vvronges him, ( for this must be referred to every mans pri-  
 „ vat discretive judgment) and more to this purpose there, and  
 „ againe *pag. 27.* he tells us [The question is what duty is owed  
 „ by the subject Unto the Magistrate (especially the Supreme  
 „ for may there be remedies had against the injuries of the infe-  
 „ rior by appellation) In case of his mal-administration,  
 „ & unjust lavves and sentences according to these lawes, or  
 „ executions according to sentence; whether they may vio-  
 „ late or violent the person invested vvith authority, and not  
 „ submit unto him, but counter-act him by force in self de-  
 „ fence against his violence. Or if they be bound in consci-  
 „ ence, or by any lavv of God, to submit humbly to vvhat  
 „ he inflicts (although unjustly) if they can neither move him  
 „ by their humble petitions, nor can flee from his vvyrath, or  
 „ goe out of his dominions] and then addeth. That the  
 „ author of *Naphhtaly* and his complices [Maintaine, That if  
 „ the Magistrat abuse his povver in making unjust lavves, or  
 „ punishing according to these, any private man, or company  
 „ of men, that think themselves strong enough for the Magi-  
 „ strate ought never to suffer, but use forcible resistance against  
 „ the Magistrate abusing his power: & that al the patience that  
 „ is required of Christians tovvard oppressing Magistrats, is  
 „ only to beare suffering patiently, vvhen they are out of capi-  
 „ city of acting, and may not better do, and to suffer pati-  
 „ ently vvhen they see they cannot repress the violence of  
 „ the



the unjustly - dealing Magistrate vvith a sufficient contrary violence.]

That it may appeare<sup>l</sup> ( though none vvho understandeth the controversy, & readeth what he'allaigeth, is the state of the question, can readily be ignorant of his deceit, but may easily perceive his subdolous sophistication ) how far he hath misrepresented the businesse, let these fevv particulars be pondered.

1. It is one thing, to say that private persons. may rise and take the svord of defence in their hand, and resist their Magistrats, upon the ground of supposed vvronges, or vvhen they think in their privat judgments of discretion, that the Magistrat injureth them: It is another thing to say, This vvay of defence may be used vvhen the injuries are real, and not supposed, or judged so by their private and erring judgement of discretion only. He cannot have the fore-head to say that we maintaine the former; nor can he vvith any colour of half a reason inferre, that such as maintaine this last, do consequentially maintaine the former, as men of understanding will easily perceive, and shall be more fully spoken to aftervvard in due place. Yea suppose that such a consequence could be drawne, it were not faire, but utterly disingenuous, and un-becoming a faire disputant, to bring a consequent which he wire-draweth from his adversaries position or assertion, into the state of the question, and make the world beleeeve, that his adversary doth, positively, clearly & avowedly assert, what indeed he doth not affirme, nay nor granteth to follow from what he holdeth.

2. It is one thing, to speak of resistance made to lawes iniquously made, and yet but tending to the hurt of some private persons in smaller matters: it is a far other thing, to speak of resistance made to lawes, whereby the established religion, and the fundamentall rights, and basis of the constitution of the realme is overturned; and so not only mens goods, or smaller matters, but their liberties, religion, consciences, lives, and every thing that is dear unto them, is in inevitable hazard: it were an impudent calumny to say that we maintaine the former.

3. It is one thing, to say that any private person alone, and severally, may resist, and repel unjust violence offered by the Magistrats of the land: and another thing, to say, that a considerable company, joyning together, upon just grounds, may endeavour their owne safety. Though the lawes of our land will suffer a privat subject to hinder any, in the Kings name, to possesse themselves of his heritage, or of any thing he possesseth, till the question be discussed by the civil judges; yet we state not our disput concerning what a private single person may do, in case of oppression.

4. It is one thing, to speak of unjust lawes in the general: and another thing, to speak of unjust lawes made by Magistrats preingadged by solemne vowes and Covenants never to make such lawes, and who have given the people all the security imaginable, that they should never be troubled with such iniquous lawes: This last is our case.

5. It is one thing, to speak of lawes (though iniquous and grievous, yet) executed legally, civilly, by way of formal legal procedure. But it is another thing, to speak of lawes: in themselves grievous and iniquous, yet executed in an informal, illegal, arbitrary, tumultuous, cruel and bloody way by armed, mercyleffe and bloody souldiers, which looketh rather like the execution of a bloody act, for massacreing, then of a law made for the good of the Commonwealth. This last toucheth our case, as was shovved.

6. It is one thing, to speak of resisting and offering violence to the very person of the Magistrate: and another thing, to speak of resisting his bloody Emissaries.

7. So it is one thing, to speak of resisting his bloody Emissaries cloathed with a commision to exact the penalty imposed by law: But it is a distinct thing, to speak of resisting his bloody Emissaries, exorbitantly exacting what they please without any regard had to the standing unrepeled law, though sufficiently grievous.

8. It is one thing, to speak of vvhhat privat persons may, or ought to do when injured & oppressed, & there is some door open to get themselves eased of these oppressions, by complaining, or appealing to the superior Magistrats, or by sim

ple petition and supplications. But it is a far other thing, to speak of what a People may do, when all door of hope is closed, and when simple supplicating would make them lyable to the crime of *lese Majesty*, which was their case.

9. It is one thing, to speak of what a company of private persons may do, in their owne particular case, without the concurrence of the rest of the community, who are not concerned in their case, nor particularly engaged to help and concur with them, in that particular: and another thing, to speak of what privat persons, though the minor part of a community, may do, in a case which concerneth not themselves alone, but is common to all; though it may be, they suffer most of the heat of persecution, upon the account of that common cause, and in a case, wherein all the whole community is bound and obliged to other, to stand to, and maintaine one another, in the defence of that common cause; and that by solemne bonds, vowes and Covenants- Now this was their case.

10. It is one thing, to say that the minor part of a community may rise in armes, against all the Magistrats, and seek to exauctorate them, and overturne their power; and against all the rest of the body, and presse them to be of their minde: and another thing, to say they may take armes in their owne self defence, when tyrannically oppressed for adhering to that Covenant and cause, which the whole body of the land was engagd to maintaine, with lives and fortunes, no lesse then they, without any intention to wronge the Magistrat's just power and authority, or to do the least injury to any of the community, who would not carry in a hostile manner towards them: Now such was the case and carriage of that poor people.

11. It is one thing, to say that private persons when injured by unjust lawes, and when able to resist and oppose the Magistrate, may never submitte unto undue penaltyes, (which he falsly fathereth on *Naphthaly*.) But it is a far other thing, to say that in some cases *hic & nunc* privat persons may resist the unjust and illegal force of Magistrats, or, that it is false, to say that in no case imaginable private persons may resist unjust violence

lence offered to them by Magistrats. Or, which is all one, that in every case whatsoever, it is the duty of private persons, to submit unto the most iniquous, illegal, and tyrannical impositions, penalties, and exactions; or unto tyrannical and unjust lawes. Now this is the true state of the question *in theſis*, and if this be granted, we seek no more, as to that, being persuaded the *hypothesis* will follow clearly from the *thesis*, and hing on it, without many knots of arguments to fasten it.

12. It is one thing, to say that private persons may call their superiour Magistrats, when making defection, to an account, judicially proceſſe them, and formally give out sentence against them, vvhich he injuriously allaigeth upon *Naphthali*, as any, vvho vvill impartially consult the places by him cited, vvill finde. But it is a far other thing, to say that private persons in some cases in way of defence and maintenance of the reformed Religion, may stand to its vindication: and this is all the vindicative povver vvvhich *Naphthali*, Pag. 18, 19. (the places vvvhich he citeth) speaketh of, as incumbent to private persons.

From these things it is apparent, to any of an ordinary reach, in those matters, how far that vvvhich he maketh the knot of the question, is from the true, plaine, full and reall state of the businesse now controverted, vvvhich vve have laid downe. And vvhat unfaire dealing vve way expect, thorovv the rest of his pamphlet, any may judge by what we here finde, in the very stateing of the controversy. But he vvill say, that the Author of *Naphthali* (vvhom he ignorantly, tearmeth the *libeller*, but in truth, the honest vindicator of the innocency of the suffering people of God) hath so stated it, in his book. It is true, this *Surveyer* sayeth so Pag. 21. But vvhy did not he direct his reader unto the page vvhere such a state of the question vvas to be found? I appeale to any vvho ever read that book, to judge, vvwhether this man speaks truth or not. Ay but you vvill say, He hath cited Pag. 13, & 14. *Naphthalies* very vvords, and hath cited the pages where these are to be found, out of which words, the State of the controversy as by him proposed may be drawne. I Answer It is one thing to draw conclusions



or consequences from the words of an adversary while he is prosecuting his arguments, and out of these raise a state of controversy; and another thing, to say that his adversary doth so state the controversy, while as he speaks no such thing: now both these are soloecifines, the one in morality, the other in way of disputing: and of both he is guilty, first it is an untruth, to say that *Naphthali* doth so state the question as he allaigeth he doth; and it is no better, to say that *Naphthali* doth so state the question because here and there in his book, he hath some expressions that seem to look there away: Again, it is an absurd way of disputing, and intolerable, to draw the state of a question out of a mans expressions here & there uttered in the prosecution of his arguments; Whereas the state of the controversy is that which all his arguments prove & conclude. But what if al these expressions which he hath raked together out of *Naphthaly*, will not bot tome his assertions, or the state of the question as he proposeth it? sure every one must take him for a meer wrangler, & an impudent *ignoramus* in the matter of handling a controversy, if it be so. And whether it be so or otherwayes let us now try. The words he citeth first, are out of *Pag. 8. viz.* these (which I shall not curtalle as he doth, but set downe fully,) *And it will also appear that the necessity of convocations and combinations though not only without, but even against authority, yet being in order to such necessary and just ends) did sufficiently warrand them before God and all men, from the breach of any law or act then standing against the same, wherewith they might have been charged.* But what can he hence inferre? Will he inferre that the Author of *Naphthaly*, either sayeth or thinketh. That any part of the people, (though no Magistrate be amongst them) may take armes against all Magistrats, and violently resist them, when they think their lawes either unjust, or the punishment executed unjust, (as he sayeth he doth. *Ibid. Pag. 13.*) By what *medium* will he couple the antecedent and consequent together? May not a man disallow that any part of the people, though they had all the Magistrats with them, except the Supream, may take up armes against the Supream, and violently resist him, when

soever they think that the lawes are unjust, or the punishment executed unjust (as I verily think the Author of *Naph-taly* will) and yet say, That when strong and inevitable necessity urgeth, in order to necessary and just ends, people may have their owne convocations, even against authority, and *de jure* be guilty of the breach of no standing law against the same, seeing all know that *salus populi est suprema lex*, and that no law or act, vvhhen the strik observation thereof, tendeth to the detriment of the Republick, (for the good of vvhich, all lawes are made,) is of force. The next passage he citeth is out of *Pag. 14.* vvhhere *Naph-taly* hath these vvords: [*That the right and privilege of self-defence, is not only founded in, but is the very first instinct of pure nature, and spring of all motion and action. 2. That it was competent to, and exercised by, every individual, before that either society or government were known. 3. That it was so far from being surrendred and suppressed by the erecting of these, that it was and is the great end, and motive, for which all voluntary societies and policies were introduced, and are continued. 4. That it is a principal (and not the principal as he misciteth it) rule of righteousness, whereunto that great command of love to our neighbour, by the law of God, and by the Lord himself, is resolved, and whereby it is interpreted.*] And then addeth, [*So it doth infallibly follow, that the same right and privilege, is yet competent to all men whether separatly or joynly, and needeth no other pre-requisite, but that of intolerable injury (which for a man to suffer under pretence of the good of the Commonwealth, would be, for the delusion of an empty name, only for the lust of others, really to deprive himself of his whole share & interest therein) and is compleated for exercise by such a probable capacity, as may encourage the asserter thereof, to undertake it.*] Thus I have set down his words truly and wholly, and I would faine know what is there here, that will ground the foresaid *thesis*? Must a man that sayeth thus, necessarily say, That it is lawful for [privat subjects to take armes against their Magistrats (when they are in a probable capacity to carry thorow their matters,) and the major part of the people, when they think the lawes are unjust, or the punishments executed are unjust? Let him the next time, I pray, prove this consequenc. For I, and many moe, do and will deny it. His next passage is out of

Pag. 15. the words are these, [*The propelling by force of such injuries* (that is, to be violented in the matters of Religion) *was the justest cause and quarrel, that men in their primeve liberty, could be engaged in.*] which surely is a very innocent and harmelesse assertion, and such as he, nor no rational man, who knoweth to preferre the interest of the soul, unto the interest of the flesh, can contradict; and from whence, no man that knoweth what the exercise of reason is, can inferre his forecited *thesis*. The next passage he miserably curtaileth out of Pag. 16, 17. but though vve should take it as he hath set it dovne) excepting that *parenthesis* vvhich he hath foist-ed in, in the same character, to deceive the simple Reader, vvhat could he inferre from it? When one sayeth [*That combinations for assistance, in the same common cause of just and necessary defence, whereunto the force of extreame necessity, through the perversion of that mean of government, appointed for their preservation, doth ultimately reduce them, are warranted by the principle of humanity, &c. and Gods glory, &c. and by this, that whole Cities Kingdomes and Empires, for the violation of this duty, in not relieving the innocents from unjust tyranny, even of lawful powers, have been overtaken therefore by fearful judgments, to their utter ruine and subversion.*] Must he needs be thought to say and assert, That privat subjects may combine together and make insurrection against the lawful Magistrat, When they, in their private judgment of discretion, think the ends of government are perverted? What sharpe-sighted man can be able to see where these two shal meet? He tells us next that Pag. 18, 19. it is said [*That not only power of self-defence, but vindicative and reforming power is in any part of the people, against the whole, & against all Magistrates; and if they use it not, judgment cometh on* (supposing their capacity probable to beare them forth,) *and they shall be punished for their connivance, & not acting in way of vindication of crimes, and reforming abuses.*] But who shall read the place cited, will be forced to acknowledge a very great injury done to *Naphthaly*, & that his words are miserably represented; and yet he cannot draw out of them, even as he hath minced them, and thravne them so that they look with another face, then their owne, That,

*Naphtaly* asserteth, That private persons may, when they think or imagine, in their privat judgment, that the Magistrates and the rest of the land are in a defection, arise in armes against them, vindicate Religion, judge and condemne such as are guilty; and so use imperat acts of reformation by vindication. Sure these words in *Naphtaly*, [Of necessary loth from the principles deduced, and from the most visible judgments of God agreeable thereto, there must be a superiour and antecedent obligation, to that of submission, incumbent upon all, both jointly & separably, for the maintainance, vindication, and reformation of Religion, in order to the promoting of these great ends of the publike profession of truth, and true worships, which the Lord doth indisensably require] to sober, judicious, intelligent, and impartial readers, will have a far other import. So, what can he inferre from that which *Naphtaly* said Pag. 28. viz. [That none pleadeth for absolute submission in the people, and exemption in the prince, but such as have prostrated their consciences to the Princes arbitrament, in a blinde and absolute obedience] and that [seeing subjection is principally enjoined, for, and in order to obedience, whatsoever reason or authority can be adduced to perswade an absolute and indispersible subjection, will far more rationally and plausibly inferre an illimited and absolute obedience] Can he, with any colour of sense or reason, inferre that he maintaineth that passive subjection to unjust lawes and punishments, where there is power to make active violent resistance, is a greater sin then active obedience to unlawful commands of Magistrates? Is this a faire way of disputing, to say that one maketh that the state of the question, which he draweth from the assertion of his adversary? *Naphtaly* allaigeth that absolute subjection is as repugnant to reason, as absolute obedience; doth he therefore make this the state of the question, (or give ground for it,) That absolute subjection is more sinful then absolute obedience? Again, what can he draw out of these words of *Naphtaly* Pag. 157. [Secondly it is answered That rising up against authority itself, the ordinance of God, and disobeying the powers therewith vested, standing and acting in their right line of subordination: is indeed rebellion, and as the sin of witchcraft; but to resist and rise up against persons abusing sacred authority, and rebelling against God;



God the Supreme, is rather to adhere to God, as our Liege Lord, and to vindicate both ourselves and his abused ordinance from man's wickednesse and tyranny] Can he hence inferre that *Naphtaly* judgeth it no rebellion, for privat subjects, to disobey Powers acting in a right subordination, when they in their judgements of discretion, judge that they deviat from that line of subordination? Sure he must have some needle head that can sowe these two together.

These are the particulars whereupon this *Surveyer* thinketh to bottome his falsely-stated question, and by this we may judge (*ut ex ungue leonem*) what faith he is worthy of, when he sayeth immediatly thereafter *Pag. 14.* [But what needs insisting on his justifying of any number of private persons rising up and resisting the whole Magistrates, & Body of the people, when ever they think they have cause? Seing this is the maine scope of his book, and more too. even to state them in a punitive power of all who are against them, and a power to pull downe all authorities, that are in their way.] Alas! poor soul, such impudent untruthes, will not much strengthen his cause, in the judgment of such as are judicious, and many will think that such way of dealing declares him to be unworthy of his wages: for, may not all who read that book, see a cleare other scope there intended then what he here fancyeth; and know that from no sentence in all that book, can such conclusions be drawne, as he here sayeth is the maine scope of it. O! but he must be audacious and affronted, to say that the author of *Naphtaly* [*not only makes a proclamation to all meer private persones (not having any Nobles and Magistrats amongst them) to make insurrections against all Magistrats from the highest to the lowest, and against the plurality of the People (if they think themselves in probable capacity,) and not only so, but giveth to them a liberty to pull all Magistrates out of their seats, to insult themselves, and to punish Magistrats, who (as he saies) have forfeited their right by the abuse thereof*] as he doth *Pag. 21.* What wil not such shamelesse boldnesse adventure to averre, with the greatest confidence? but such as are wise will not beleeeve every thing, that such as have made shipwreck of faith and of a good conscience, and

have possessed themselves of a debauched conscience, have the impudency to a firme without blushing.

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## C A P. II.

Three Arguments proposed, taken 1. from the Concessions of Adversaries. 2 The resistance of Parliaments: 3. The Light & Law of Nature.

**H**AVING thus cleared the true state of the question, we shall now fall about the confirming of the affirmative; and so take occasion to examine what this *Surveyer* sayeth, as he cometh in our way: and though there should not be great necessitie to confirme our *hypothesis*, or the present question under debate, unto such, as have not prostituted their soull unto a brutish beleef of an absolute and indispenfible subjection, or submission in all cases whatsomever, unto the lusts and rage of men abuseing their power and places, and overturning that good order which God only wise established in his love and favour, for the good of mankind; yet because this seemeth to be an age, wherein the spirits of many or sunk below that of beasts; and men of no consciences, or, at best, debauched consciences, have willingly surrendered their privilege as men, and assumed the slavish disposition of bond-men, that for their owne base ends, a little mase of pottage, they may gratify such as are nothing lesse, then what they ought to be; it will be necessary to speak a little more to it.

Our first argument then shall be taken from the concessions of adversaries, and from what this same *Surveyer*, seemeth (if not expressly and directly to grant, yet) not to deny or condemne altogether. *Barclarius contra Monarchom: lib. 1. c. 8.* granteth to the people liberty to defend themselves from injury, and to resist *quando immani sevitia petuntur* and *lib. 4. c. 16.* he doth fully and plainly acknowledge [That the King falleth from the right to his Kingdomes, & that the people may not only resist him, & refuse obedience unto him, but may also

remove

remove him from the throne, if without the subjects consent he should subjecte the Kingdome to another, or be transported with an hostile minde against the Commonwealth. [*Doct. ferne* also acknowledgeth [ That personal defence is lawful, against the suddaine and illegal assaults, of the King's messengers, yea of the Prince himself, thus farre, to ward his blowes, to hold his hands; so when the assault is inevitable ] and else where he grants it lawful [*to resist the King's cut-throats.*] So *Arniseus de auctor: princip. Cap. 2. n. 10.* granteth it lawful to private persons, to resist the King, when he acteth extrajudicially. And *Grotius de jur. bel. & pac. lib. 1. c. 4. n. 7.* seemeth to say that the law of non-resistance doth not oblige, in certane & extreame danger, seing some divine lawes, though generally proposed, have this tacite exception of extreame necessity; and giveth this for a ground. *That the law of non-resistance seemeth to have flowed from them, who first combined together into a society, and from whom such as did command, did derive their power: now if it had been asked of such, Whether they would choose to die, rather then in any case to resist the Superiours with armes, I know not (sayeth he) if they would have yeelded thereunto, unlesse with this addition, if they could not be resisted, but with the greatest perturbation of the Commonwealth, and destruction of many innocents.* And a little thereafter He hath these words [*Attamen indiscriminatum damnare, Aut singulos, Aut partem minorum, qua ultimo necessitatis presidio sicut utatur, ut interim, & communis boni respectum non deserat, vix ausim*] It is true, in the end of that Section, he seemeth to say that nothing is now left to christians, but flight, yet § 10. & 11. he assenteth to *Barclains* his concessions. Let us next see what our Surveyer seemeth to yeeld *Pag. 23. 24.* [ *Whatever may be said (sayeth he) of moral or legal self defence, against the Souveraigne, by way of petition, or plea in court, for safty of a mans Person or Estate; and whatever may be said of warding off, and defensively putting back, personal injurious assaults, to the manifest and immediat peril of life; without any colour of deserving, of reason, of law, or judicial proceeding; or of a womans violent resisting attempts, against the honour of her chastity (dearer to her then life) and tending to insnare her also in sin, against God (whereof her non-resistance makes her*



formally guilty) and whatever may be done in the case of most habited, notoure and compleat tyranny, against all appearance of law, manifestly tending to the destruction of the body of a people, or greater part thereof, by hostile furious actions, or in the case of violent attempts, or destruction of all knowne legal libertyes, and the beeing of Religion, according to law; or in the case of vendition, alienation of, and giving a whole Kingdome to forraigners, or strangers, or some such like; whatever I say in such horrid cases (which for most part cannot befall a prince, in his natural and right wits, (a case wherein provision may be made, that he hurt not himself, nor his dominions) may be done, comes not at all within the compasse of our question; although most disingenuously, the discontented and seditious, do strive on all occasions, to aggravate matters so, that the case concerning them, may seem co-incident with these, or the like, that so they may justify their violence against the powers.]

But howbeit this Surveyer think that these concessions make little for our advantage; yet to understanding persons, it will be cleare in general.

1. That He, and the rest of the Royal society of Court parasites and flatterers, speak most inconsequentially unto themselves; They cry up in their writings an absolute, and indispenfible subjection, unto the Supream Magistrate, due by all his subjects; and yet when they are sore pinched, they must clap their wings closer, And drawe in their faire sailes, & grant that in such & such cases, not only his Emiffaries & such as have his commillion, but Himself may be resisted not only by the *Ephors*, & *Primores Regni*, but by very private subjects. Did we not but just now heare our Surveyer crying out against *Naphthaly*, for saying That what reasons could prove an absolute & indispenfible subjection, will also prove an absolute & unlimited obedience, as being unwilling to heare any thing spoken against an absolute & vast subjection; and yet behold here, he is as willing as the rest, to clip the wings of this inviolable soveraignty, & set forth unto us a limited & retrenched subjection due to the Supream Magistrate, even by private persons.

2. That by these concessions, He and the rest cut the sinewes of their owne arguments, and cause them to halt ere



re they assault us, and teach us away of rejecting or answering them; For, when they produce their arguments, whether from reason, or authorities, they cannot but make them conclude universally, and then they are necessitated themselves to answer these universal arguments, or otherwise retract their concessions; and whatever way they think to evade with their concessions, and supposed cases, we will finde roome enough to escape with our case; as for exemple, when this *Surveyer* urgeth that subjection spokento, *Rom. 13*. He must either grant, that it must be restricted to such and such cases, or else plead for an universal, absolute, unlimited and indispenfible subjection, and so retract his concessions; and if he take the liberty to use his restrictions, and so interpret the place, as that it shall not reach his cases excepted, he must grant us the same liberty, to say that our case is not there meant, or condemned.

3. By these concessions we have this advantage, that the distinction which is made, in this question of resistance, betwixt the Magistrate as such, and the person or man, vvhich is the Magistrate, is not so absurd and ridiculous, as the Royalists give it out to be; for here we finde them forced to use the same, so that if it be a defileing distinction they cannot be clean, more then we: and we see that resistance may be used against the person of, or the man vvhich is, the Magistrate, vvithout the least contempt, or vvrong done unto the holy Ordinance of God, othervvise they must of necessity say, that in all the forementioned cases, the very Ordinance of God is resisted; and how then they shall reconcile that, vvith *Rom. 13*. I see not.

4. We see also, That the Prerogative Royal, vvich they screw up unto a transcendent absoluteness and supremacy above law, is but a meer *chimera*, vvich themselves must abhominat as a loathsome brat.

5. We see that *salus populi est suprema lex*, the peoples safety is such a royal thing, that the King himself, and all his prerogatives, yea and municipal lawes too, must vaile the cap unto it, themselves being judges.

6. We see also, that they must grant *a court of necessity* in which private persones, may judge the Supream Magistrat, in order to their resisting of him; for, I hope, they will grant, that in these cases, the people act with judgment, and as rational men; and if so, they must say, that the people must first judge and condemne the Supream Magistrate, as erring, and doing amisse, before they can lawfully resist him.

7. We have this advantage, That the Arguments by which, They can prove it lawful to resist the Magistrate, in the cases granted by them, will not be a little steadable to us, in our case; and for shame they will not condemne their owne arguments, because in our mouthes.

8. It will be easily granted by all, that our case, vvhich vve have truely stated; vvill come nearer the cases, vvhich adversaries do except, then the case vvhich he hath sett dovne; and so, Hovvever he think the cases mentioned by him, do not come vvithin the compasse of the question vvhich he hath set dovne; yet understanding persones vvil see, they are not altogether vvithout the compasse of that vvhich is the true question, and true state of the controverisy; and that he hath no just cause to say, that vve (hovvever he account us discontented and seditious) do most disingenuously strive, on all occasions, to aggravate matters, so that the case concerning us, may seem co-incident with these or the like.

But next, more particularly, These concessions are much for our advantage. For,

1. If it be lawful for a private person to defend his life or estate in a moral or legal vvay, by petition, or plea in court, against the Souveraigne, (yea and by actual force, if the Souveraigne, or any in his name, shal come to poind, or take possession illegally, as our lavves vvill allowv,) vvhy shall it be unlavvfull, for a considerable part of the land, to defend their Lives, and Estates, their Libertyes and Religion, by forcible resistance, made unto the Magistrat's Emissaries, cruel, bloody souldiers, vvhen that moral resistance by petition, (vvhich yet no rational man can account resistance, it being rather an act of subjection) is, contrare to all lavv and

and equity, denyed; and also, the legal resistance, by plea in court, is not admitted? Doth the municipal law of the land permit the one resistance, and will not the law of nature and nations (which no municipal law can infringe) be a sufficient varandice for the other, in case of extream necessity? If it be said, The Sovereigne hath law and right upon his side, in this case, which he hath not in the other, till the law discusse it. *Ans.* The Law and Right which he hath on his side in this case, is but meerly pretended, as in the other case; and is *lis sub judice* Neither is he, to be both judge and party in this case, more then in the other: againe, if it be said that in this case, He acteth as a Sovereigne, executeing the lawes, but in the other case, he acteth only, as a private person. It is answered. 1. That even in the other case He may pretend to be acting as a Sovereigne, following & executeing the lawes, as well as in this. 2. The Sovereigne as Sovereigne cannot oppresse nor do wrong, & therefore even in this case, when he doth manifest injury unto the subjects, contrare to his place, vow and promise, he acteth but as a private person, and not as a Sovereigne.

2. If it be lawful for a private person to warde off, and defensively put back personal injurious assaults, to the manifest and immediat peril of life, without any colour of deserving, of reason, of law, or judicial proceeding. Why shal it not also be lawful for privat persons to ward - off, and defensively put back, the injurious assaults of Emis-saries, to the manifest peril of Life, Libertyes, States, Lively-hoods, Consciences and Religion, without any rational, or real colour of deserving, of reason, of law, of God, or nations, or judicial proceeding? Shal it be lawful for one private person, in the defence of his owne life, to warde off such illegal, extrajudicial and irrational assaults of the Sovereigne himself; and shall it be unlawful for a body of a land, or a considerable part thereof, in the defence of their lively-hoods, and so of their ownelives, and of the lives of their posterity, of their Consciences, of their Libertyes and Religion, all secured unto them by all bonds, vowes, Covenants, Statutes and Actes imaginable, to warde off the irrational



tional, furious, illegal, extrajudicial and mad assaults on the Sovereign's bloody Emissaries? Sure rational men will see that whatever reason will evince the lawfulness of the resistance in the former case, the same will more strongly and plausibly, conclude the lawfulness of resistance in this case.

3. If it be lawful for a private woman to defend her chastity, dearer to her than life, by violent resisting the Sovereign's attempts, lest by non-resistance, she should be guilty (and oh if all the women of the nation were of this temper.) Shall it not also be lawful for private persons to defend their Lives, Liberties, Consciences and Religion dearer to them than their Lives; yea and defend their chastity too, by violent resisting of the furious attempts of the Sovereign's bloody Emissaries, sent of purpose to constrain and compel them to perjury, when their non-resistance, according to their power and opportunity, could not but be interpreted a voluntary and base quiting of the cause and truth, which they were bound before God, to maintain with their lives and fortunes?

4. If it be lawful to resist habited, not our and compleat tyranny, against all appearance of law, manifestly tending to the destruction of a body of a people, or a greater part thereof, by hostile furious actions: Shall it be utterly unlawful to resist not our tyranny, yea compleat and habited (though not as to re-iterated acts, yet as to the ground laid downe of a most compleat and habited tyranny) against all appearance of divine law, or just and right humane laws, which should be consonant thereunto, tending to the destruction of the Covenanted-liberties, privileges and Religion, of the whole body of the people; and also unto the actual destruction of the liberties, states, lives and livelyhoods of a great part thereof, by hostile furious actions?

5. If resistance be lawful in the case of violent attempts, or destruction of all known legall liberties, and the being of religion according to law: Shall resistance in our case be unlawful, when all the true liberties of the subjects, once established by laws, reinforced by oaths, Covenants



ants, solemn engagements, and all bonds imaginable; and the very being of our Religion, as reformed in doctrine, worship, discipline and government, ratified, approved, established, and confirmed by lawes, oaths, Covenants, vowes and promises, which lawes so re-inforced with oaths, protestations, attestations, declarations, solemn vowes and Covenants, are, by all right divine and humane, irrepeable, being not only in themselves good and necessary, but also becoming hereby sacred vowes to God, which must be payed, & being also fundamentall termes of the constitution of the reformed Republick?

6. If in the case of Vendition, Alienation of, and giving the Kingdome to strangers, violent resistance be allowed; shall it not also be allowed in our case, when a land that was solemnly devoted, consecrated, and given away to God by solemn vowes and Covenants, and the same owned, approved, ratified and confirmed by publick acts, edicts, proclamations, declarations, lawes and statutes of plenary, and (even as to all formalities) compleat Parliaments, made up of all the Estates of the Realme, and the King also, is now treacherously, and iniquously, forced to depart from their former principles, to abjure their former vowes and Covenants, to change their God, to condemn his work; and by most abominable, and ever to be abhorred acts and statutes, sold and alienated unto a popish prelatial and malignant faction and designe, under which, the faithful and true seekers of God's face, have, and can expect, lesse liberty for their consciences, then if the whole Kingdome were delivered up into the hands of the great Turk.

Thus wee see these concessions help our cause, & weaken the adversaries not a little: let us now proceed to speak to another particular which will help us also.

2. The authors of *Lex Rex*, and of the *Apologetical Relation* have sufficiently proved, that the late warre carryed on by the Parliament of *Scotland* against the King, was lawfull, both in point of law and conscience; And if that was lawfull (as it was, and shall be found to be, when he and all his

his complices have done their ut most, vvith all their lying cavills, false calumnies, reproaches, and vvhat not, that Hell can hatch, to disprove & condemne the same;) a vvarre raised by the subjects in their owne sin-lesse self defence, without the conduct of their representative, cannot in every case be condemned; particularly not in our case now.

The antecedent, I say, is abundantly proved in the books mentioned, which this windy man thinks needlesse to run out upon ( but he might rather say, he thinks impossible to answer, and beyond his poor strength to grapple vvith ) as he sayeth *pag. 20.* vve must then take some notice of vvhat, in that Page ( vvhich he thinks sufficient to oppose unto the many arguments produced by them ) he is pleased to present; [*What sense ( sayes he ) the people of Scotland ( when they have come to liberty ) have of these armes, their late representative have declared, and it were to be wished, that the memory of such wayes were buried, that the posterity might never look upon them as exemplary; Their progenitors have so deeply drunk of the bitter fruites of the same, the result of them having been so much sin, shame and sorrow, vastation confusion and destruction to Princes and People.*]

I answer, 1. What that liberty is, which the people of Scotland are now come to, who can see it, for the perfect slavery and bondage they are sold unto? A freedome he talkes of, when all our libertyes are sold, and we given up as bond men and bond women unto the lust of a Man, and are denyed the very liberty, which is the privilege of all free subjects, yea and that which is the birthright and native privilege of all men, viz. to supplicate, petition or to pray: what liberty can he then meane, unlesse the liberty ( which is licentiousnesse ) to forsake God and our Covenant, to turne Apostats from his truth and our profession, to sweare & forswear, to drink, debauch, whore, commit sodomy, & all sort of wickednesse, without curb or controll? Is this the liberty he understandeth? Sure, all true christians and such as feare the Lord account that develish slavery and bondage.

2. We know what his late Representatives have done, but whether therein they have acted the part of Representatives and given the true sense of the people of Scotland, will (i

may

may be) be considered, when He and I both are rotten. Sure they never had any expresse, yea nor tacite commission from the people of *Scotland*, to give up all their necks to the stroke of the axe, as treatours and rebels, for doing nothing but standing to their owne defence, against manifest tyranny, and oppression of both soul and body; and to condemne them and their worthy progenitors who valiently stood for the truth, and the libertyes of Church and State, to the losse of their lives and fortunes; and to proclame and declare themselves guilty before God and Men, of all the blood that was shed in that warre, though most lawful and laudable.

3. We are perswaded, let him wish what he will, the memory of these memorable wayes shall never be buried, but shall stand as exemplary monuments to succeeding generations, when God shall think it meet to animate them with the spirit of courage, to free the land of tyranny, and of domineering abjured prelates, withal their taile and traine: and wise men will think that his Representatives have not taken a course fit for burying the memory of these wayes; but rather a way to revive afresh the memory of them, and to commend them more to the thoughts and hearts of all who love and pray for the coming of our Lord's Kingdome.

4. What bitter frutes these are, which, he sayeth, our progenitours have drunk so deeply of, we know not, They lived and died, such of them as owned, and stedfastly adhered to that cause and Covenant, in honour and peace; and their names shall be in perpetual remembrance, when his, and the names of the rest of this perjured, Malignant apostate faction shall rot. We needed not have feared that either sin, shame, sorrow, vastation, confusion, or destruction, should have come to Princes or People, if we had prosecuted the ends of our Covenants, with zeal and faithfulness according to our manifold vowes, promises, solemne oathes and ingagements: But whatever of these have followed, should be, and will be rightly fathered on our defection and lose of zeal: And what sin and shame, and sorrow, & vastation, & confusion, & destruction shall now follow both to Princes and People, (if they repent not) upon  
this



this unparalleled defection & Apostasie, whereof now they are avowedly guilty, none, who is not an utter stranger unto God, his faithful word, and dispensations, but may, without any extraordinary Spirit of Prophecy, fore tell.

Next he tells us, That these disputes proceed upon a most untrue and malicious misrepresentation of matters of fact, & upon two false hypotheses: Let us heare what are those?

[*As if (sayes he) the King had been the first invader of the Nation, whereas it is known, his authority was first invaded, his lawes troden upon, his proclamations openly despised, his castles violently seised; his armes he took were not invasive against the Nation, but defensive of his owne authority, of his lawes, and the persones of orderly walking subjects, and for reducing these who strayed from their duty.*] Answ. *Quis tulcrit Gracchos de seditione quereutes?*

Who would suffer such a manifest notorius lyar to say, that others made misrepresentations of matters of fact? But,

1. Do not all who then lived, and yet read the publick papers, and other acts that passed then, know that through the instigation of some false, perfidious, fugitive Prelates, the King was stirred up to make warre on *Scotland*, ere ever they thought of any such thing? Was not warre concluded both by sea and land? Was not free tradeing taken away? Were not the Scottish Nobility at court made to abjure the National Covenant, and the General Assembly at *Glasgow*? was there not a declaration emitted Feb. 27. & publicly read in all the Churches of *England*, wherein the faithful subjects and Covenanters in *Scotland* were tearmed Rebels? Were not *Berwik* and *Carlisle* frontier cities strongly fortified and garrisoned? Was not the *Earle of Huntly* made Governour of the North of *Scotland*, and had some foure or five thousand men in armes, for the King? Was not *Aberdeen* fortifying it self, to take in the King's navy of shipes, when it should come? Was not the *Marquis of Douglas*, & *Lord Harris* ready to rise with the Papists in the South of *Scotland*? Was not the *Deputy of Ireland* preparing men to land them in the West of *Scotland*? Was not the *Earle of Arundale* made the Kings General? and was not the King to have his rendezvouz at *York* in *Aprile*, and all the English Nobility commanded



manded to attend him there by a letter written *Jan. 26.* before the faithful People of *Scotland* had any army in readinesse? What impudency is this then to say, the King was not the first invader of the Nation? And as for the second expedition, *Anno Dom. 1640.* managed, and carryed on, by the Parliament, it was abundantly verified by their publick papers, that it was purely defensive. And it is notour, that before the leavy was made, and appointed, the King had violated the conditions made; had caused burne by the hand of the Hangman a paper containeing explications of some earmes used by him in the treaty of Peace; had denyed accessse to their commissioners, & afterward, when he had signified his willingnesse to heare such as they should send, such as were sent were committed to prisone, and one of them, viz. The *Lord Lowdon* ordained secretly to be beheaded in the *Towr of London*; and, in the meane while, warre was concluded against the Realme of *Scotland*, in the King's Council; The *Earle of Northumberland* was made *General*, a Parliament was convocated, both in *England* and *Ireland*, for raising of subsidies, to the carrying on of this warre; the Deputy of *Ireland* with some there, had promised much assistance. The Prelates of *England* had offered great summes to carry on this *Bellum Episcopale*, as they named it; Scottish ships were intercepted, their goods taken away, and the women cast into prisones and miserably handled; The sea ports were closed up with frigots; The castle of *Edinbrugh* oppressed the City with their shot, and killed many both young and old. Were all these things no beginnings of a warre, nor no acts of hostility? How can he, or any else then, say that the King was not the first aggressor, or that *Scotlands* warre was not purely defensive? 2. As to these things wherein he would make his reader beleieve, that the honest people of *Scotland*, were the first invaders, what a malicious fool doth he manifest himself to be; for 1. How what way was his authority invaded? was it, because they would not receive a masse book in English, obtruded on them by his sole authority without the concurrence of Church or State? 2. What lawes were troden upon? We-

know no lawes, but acts and statutes of a lawful Parliament, made for the glory of God, and the good of the land: and what such were trode upon? 3. What way were his proclamations despised? Is it to despise a King's proclamation, for free subjects to vindicate them selves of what is unjustly laid to their charge in this proclamations, by faithful and humble protestations of their innocency? 4. What were those castles seised upon? Some be like in *Vtopia*; for, before this warre was begun Anno 1639. The Covenanters seised upon none of the King's castles: When they savv the King bore a hostile minde against them and intended no good, they watched the castle of *Edinbrugh* that more ammunition and provision should not be carryed into it: And this was all they did, until they were necessitated to put themselves into a posture of defence, & then they seised upon some houses here & there; the lawfulness of which, is demonstrated by *Les Rex, & the Apology*. 5. What illegal courts were those which were set up? Sure those *tables*, as they were called, were no courts assumeing to themselves any judicial determination in any matter of State civil or Ecclesiastical, nor conventions for disturbance of the peace, or usurpation against authority but meer meetings (allowed by the light and law of nature for consultation and advice anent the matter and manner of supplications, which they were to present to his Majesty and his Council; and of propositions to be presented to the lawful State and Church-judicatories. 6. Who were those subjects walking according to the lawes, who were persecuted? We know of none, who were troubled at that time except the Prelates, the Troublers of our Israel, and all the persecution they met with, was that the honest Covenanters did give in complaints against them, and offered to make good what they allaiged, upon the highest perill, and did supplicate the Council (whereof some of them were Members) that they might not sit there as judges, but stand as *Re* and answer for themselves, and that the General assembly indicted by his Majesty, after mature deliberation, and full examination, did excommunicate them, for high and notorious crimes, to be seen in the registers of that Assembly.

But 2 will these things, to judicious persons, lay the ground of a lawful warre by the Magistrate, against his owne subjects? Are these who cannot yeeld obedience unto unlawful commands, who humbly protest for their owne innocency, who meet together for drawing up supplications, and ordering matters thereanent, and who give in complaints against the Pests & Troublers of the land, and exerce Church censures upon the scandalous, invaders of the Sovereign's authority? And when a King upon these grounds invadeth his subjects, with an army of armed men, can any man of common sense think that his war is not an invasive vvarre? Hath not Magistrats other lavvfull vvayes to defend their ovvne authority and lavves and orderly subjects, and to reduce the disorderly, then fire and svord? Sure, for a King to cut off his subjects, is to diminish and annihilate his authority and lavves both: And for a King to vvage vvarre against the Body of a land, to pleasure *Fourteen* or a fevv of the basest and most unvvorthy of all the subjects, vvould seem to be the result of no grave and sage Council; nor vvould it appeare to be much for the Kings honour, to have his Sovereigne authority imbarqued vvith a fevv subjects, so as if they did sinke to the bottome of the sea, It could not swimme.

The next thing, (and that is the 2 hypothesys) he allegeth is. [*That they represent him, in their virulens* (he should say nervous) *writings, as Nerone ipso Neronior, a great persecuter of Religion, intending the total ruine and destruction of the protestant profession, and the total ruine and destruction, of the whole people of the land.*] *Answ.* They represente him no other vvayes, then his owne publicke, owned, and avowed deeds, and declarations 'did represente him to all the world. What was his secret intentions God knoweth, but his deeds did declare that he minded no good to the poor Church and State of *Scotland*; for, to pleasure a few subjects, that had drunken in much Popery, and Arminianisme, and stirred him up to urge upon our Church a Popish publick service, book of canons, and ordination, Popish ceremonies, and such Romish trash, he sought, by fire and sword to reduce us



to ashes. We shal not now trouble his Urne, by speaking to what this *Surveyer* sayeth afterward : This we know, That he died ; but vvwhether as a glorious Martyr for the true Religion of God (vvhich yet may admit several senses, so ambiguous is it, though vve let it passe in the best) and lawes and liberties of the people, (as he sayeth) many doubt. At length he closeth his digression thus. [*If there was any thing that could not have a favourable interpretation in that unhappy book that gave therise to the troubles, how timely was it retired, and great satisfaction and security given for religion ? If through default of Ministers of State, any thing had creeped in, that could not abide the test of law, how willingly was it reformed ? yet all could not sist the begun course of violence, till through God's dreadful indignation against a sinfull people, his fatal end might be brought on, not because he had been a Tyrant, but because he had not been such*]

*Ans.* That book which was unholy, as well as, unhappy in giving the rise to such troubles, had not only somethings in it ; that could not bear a favourable interpretation, but the whole of it, was the extract and quintessence of the Romish masse book, book of ritualls, &c. And how slowly it was retired, and satisfaction and security given, for our religion, and how soon conditions covenanted and condescended upon, were broken, the history of those times doth sufficiently declare ; as also how unwillingly any thing was reformed that had creeped in, whether through the default of Ministers of State or others, But how can this base calumniator insinuat that the Kings loyall subjects in *Scotland* had a hand in bringing him to his fatal end, seing even the late Representatives, though they would willingly have raked hell for it, could not finde a man, in all *Scotland*, to be charged with that crime. That he came to his fatal end, we know ; but that it was through Gods dreadful indignation against a sinful people (if he mean the faithful and honest Covenanters) I know none, except base ignorant sycophants, that will say it : That it was not because he had been a Tyrant, many will doubt. And when he sayes, that it was *because he had not been a Tyrant*. I am sure, he giveth *non causam pro causa* ; and who can understand how God in his dreadful



ful indignation against a sinful people, doth take away a Prince who was not a Tyrant, seeing upon that account he giveth such Tyrants sometimes.

Having thus vindicated the Antecedent from what this *Surveyer* had to say against it, we shall now speak a word to the consequence of the argument. And 1. The whole Cabal of the Royalists will grant it; for, with them, both Representatives and People are put into one and the same category, viz. of meer subjects; so that if the Antecedent stand good, (as it shall, for all which they have said, or all which this their new colleague or young raw disciple, can say to the contrary) the argument is good *ad hominem*. 2. Such as grant it lawful for a Land having their Representatives with them, to defend themselves against tyranny; But deny it to privat subjects, in case of necessity, when they cannot have the conduct and concurrence of their Representatives, can adduce no argument against this last, but such, as will weaken their assertion in the former: As for exemple *Hoennius politic. disp. 9. thes. 55.* disproveth resistance in this last case, by these arguments. 1. because, Subjects are obliged to pay to their owne Magistrats, the duty of fidelity and obedience, 2. Because, by this meanes a gap would be opened to seditions and rebellions. 3. Because the scripture commandeth subjects to pray for their Magistrats. 4. The son may not wronge his father how wicked so ever he be. 5. Violence done to the head, though sickly, tendeth to the ruine of the whole body. 6. It is better to have a sickly head then none. 7. There is greater danger to Cast off a Tyrant, then to Tolerate him. 8. A Tyrant cannot be resisted but destruction will follow to the resisters. 9. God punished the wicked Kings of the jewes by strangers. 10. *Jeremias* did not stirre up the jewes against *Nebuchadnezzar* but allowed them to pray. 11. Christ commanded to pay tribute unto the Prince. 12. *Paul* will not have an evil Prince to be cursed with words. 13. Kings are from God, and such like. But who seeth not, that these, if of any force, (as indeed they are of none, as shall after ward be made appear, in due time) conclude as much against a peoples opposing and resisting a

Tyrant, even when they have their Representatives with them, as when they are left alone : and yet this same *Homotinus ubi supra thes.* 45. granteth it lawful yea and necessary for the *Ephors* and the Estates of a land to resist the Tyrant. 3. If our *Surveyer* will grant the case different now, from what it was then, when the *primores Regni* were ingadged in the opposition, (as he doth *Pag.* 21.) and grant that when the *primores Regni* concurre, the opposition is lawful (as he must grant, in case the Sovereigne become Tyrannical, and be the first-aggressor, because only upon the contrary supposition he condemneth the last resistance, which was made to the King by Scotland) He must of necessity seek out other arguments then what we see he hath, to condemne this resistance of private persons, in case of necessity; or otherwayes contradict himself; for, as may easily be seen, this being granted, all his arguments shall be easily discussed. 4. If he grant the case now, to be much different from what it was then, so as then, it was a lawful resistance, but not so now (as he must grant, otherwise, we cannot see what this is to the poynt, and wherein his *much difference* doth lye) how can he save himself a from contradiction; for he must put a difference betwixt a resistance made by the people with their *primores*, and a resistance made by the People with their *Representatives* in Parliament; or else say, That whatever the Nobles of a land do, is the same with what a Parliament doth; and that wherever they are, there is a Parliament, and the peoples Representatives: Now this he darre not say, lest he should be hissed at; and therefore he must grant it lawful, for a people to defend themselves, when they want the conduct and concurrence of their Representatives, acting authoritatively; or else retract, what he hath said, and planely confesse That the case to be noticed now, is not different from what it was then. 5. I hope no man will say that a war carryed on, or a resistance made against the Sovereigne, by the Representatives of a people, *Is eo ipso* lawful, unlesse the ground of the warre, or resistance, be reall and valide: And if the ground be valid, and good whereupon a People unjustly oppressed and tyrannized over

are allowed to defend themselves, having their Representatives to goe before them, why shall not the same ground stand valid and sufficient, to warrand them to defend themselves, when they have not the concurrence of their Representatives? I would gladly heare a reason, making the defence in the one case lawful, and not in the other, seeing the ground remaines the same, the same necessity abideth, yea, it rather increaseth when the Representatives, who should be a screen unto the people, betray their trust, and either neglect to vindicate with their authority and conduct, the innocent oppressed people, or turne adversaries to them, and oppressours of them, themselves. 6. Since Parliaments are the peoples Representatives, no man will say That *de jure* their power is privative, or destructive; but rather cumulative and helpful; so that the peoples Representative cannot, *de jure*, make them more liable to irremediable tyranny and oppression, then they were: they being properly *ex natura rei* and *ex institutione*, *Constituentium intentione*, ordained and appoynted, for the greater safety, and good of the people. And therefore, if the Representatives betray their trust, the People, in so far, are as if they had no Representatives, and may no lesse defend themselves in extreame necessity; then if the officers of their army, whom they had chosen and appoynted to defend them, against an invadeing enemy, should revolt to the enemy, they might lawfully rise up in their owne defence, and oppose the adversary. 7 The law sayeth that *deterior conditio domini per procuratorem fieri non debet L. ignorantis ff. de procuratoribus*. The procurator or advocat his knavery, cannot prejudice the Client or wronge his cause. And why then shall the perfidy of the peoples Representatives, or their betraying of their trust, wronge their cause, and prejudice them of their just right? 8. All will grant, That it is as lawful, for an oppressed people to defend themselves from the injuries of a Parliament, as from the injuries of a Sovereigne, if not more: and if it be lawfull for a people to defend themselves against the Tyranny of a Parliament (as is more then sufficiently proved by all such arguments as have hitherto, by



any, been made use of, to prove it lawful, to resist a Sovereigne oppressing and tyrannizing ) no man of common sense, will deny it lawful to a people to defend themselves against oppression and tyranny, when they but want the concurrence or countenance of these Parliaments. 9. If any should allaike that this is against the law of the constitution of the Kingdom. We know no such law: beside, that though there were any such; yet necessity knoweth no law: and in cases of necessity, such lawes are not to be observed, sayeth the law *L. ut gradatim §. 1. de muner. & honor.* The lawes of nature are irrevocable and cannot be rescinded by municipal lawes: for the law tells us that *civilis ratio jura naturalia corrumpere non potest L. eas oblig. D. de cap. privat.* Now the law of nature allowvng self defence against unjust violence, addeth no such restriction, viz. that it be done by the conduct, and concurrence of the *Primores* or *Parliaments*. 10. The very concessions of our adversaries fore-mentioned, vvill confirme this consequence, for in these cases, they vvill grant the same liberty to a People vvithout, as to a People vvith their Representatives, to defend themselves: for the vveight and ground is not laid upon the manner, or vvay of conduct, or managing of the resistance and defence; but upon the cause, and that is alvvayes the same. Yea, the necessity (as was said) is greater (though, it may be, the difficulty is also greater) when Representatives desert such as they do represente, and instead of helping them with counsel and conduct, in their necessity, do either deserte them, or turne enemies unto them.

Our 3 argument is taken from the law and light of nature which alloweth to beasts, power and ability to defend themselves, against violence. An argument made use of, not only by *Lex Rex* and the *Apology*, but by Divines, Canonists, Lawyers and others who write of this subject. The civil law it self tells us That this necessary defence of life, floweth from the law of nature *L. ut vim. ff. de just. & jure.* But here cometh out a green statift, and takes on him to cry shame on all who ever wrote on that subject, and avovves *Pag. 15.* That it is too grosse divinity to bring such an argument

from



*from beasts.* We must therefore see vvwhether this Man be rational in rejecting such an argument taken from beasts; and not rather more irrational then a Brute, to deny that to a Rational creature, vvwhich he cannot but grant to Beasts, and Creatures vvwithout life, as vve see he doth *Pag. 14. 15.* We shall readily grant vvith'him, That God hath given this self defending or preserving povver and propension, otherwayes to Men, then to inanimate creatures, or unto beasts, which are under no law, but that of meer nature, and therefore, they are not to defend themselves *cæco impetu*, but rationally; and ought to subordinate this natural propension to self defence unto, and limite it, by the higher lawes of reason and of God. Doth he think that such as make use of this argument, do suppose That in every case and in every manner of way, men are to use and exercise this natural propension to self defence, in vvwhich and after vvwhich, Beasts are to use it? Sure he is in a great mistake, and he vvrongeth the authors of *Lex Rex* and of the *Apolog.* &c. vvhen he sayeth *Pag. 15.* [*That they bring arguments from beasts, (who being under no law of reason nor grate, so limite their propensions, may alwayes, in all imaginable cases, defend themselves with force) so perswade men, that they may do the like, and that their propension for their externall preservation, is no more under any restraining rule, so scope the exercise of it, then that of Beasts is;*] For, they intend no such thing, nor are they, in the least, necessitated, to use that argument so: They only make use of it to disprove That irrational, and more then brutish position and maxime of absolute, unlimited and indispenfible subjection of subjects to their Sovereigne, so that in no case, they may or can resist, which all the Cabal and royal society of Royalists, parasites, court flatterers and cavalliers, who, because they themselves, in hopes of some crumbs of allowance, have brutishly, vvwithout regard had to the Law of God, or right reason, sold and devoted themselves, not only in matters concerning their body, but in soul matters, unto the meer lust and pleasure of a creature of clay, think all others should play the beasts vvwith them, do furiously & obstinately maintaine. And as to this, the argument hence

deduced is most rational and irrefragable: for it is irrational to think That God (who taketh much more care of man, then of beasts 1 Cor. 9: 9. Mat. 6: 30.) should allow and give unto the inanimate creatures, and to the beasts, a power and propension to defend themselves against violence, and should deny the same to Man; so that in no case he should be allowed to exerce that natural propension, to defend himselfe, and to resist unjust violence with violence. So then we might let his restrictions passe, as being no thing to the present purpose; for, it is but his groundlesse imagination to think that we would equalize Men with Beasts, because we will not, with him and his party, depreesse them into a condition below beasts; yet we shall shortly run over them. His first is this, *when it is seen to be to no purpose, by reason of a phisical force.* But alas doth he think this restriction of the natural propension for selfe preservation is upon men only, & not upon Beasts also? did he not say in the same Page, that *Major vis* and a greater phisical force would hinder this even in Beasts? His next restriction is this, *A man justly condemned to death, both according to a just law, and by a just proceß according to law, may not use violent self defence against the Magistrate, with re-offending him.* Ans. It is granted, what then? will it therefore follow, that this principle of selfe preservation is so restricted, as that a whole Land, or a considerable part thereof, being unjustly condemned, both by an unjust law, and by an unjust proceße according to, or without that unjust law, may not defend themselves against the Magistrate's Emisseries, sent to destroy, without respect had either to law or conscience? Then he tells us That *Lex Rex* is too bold and cometh too neare to blaspheme God, by saying [That it were a mighty defect in divine providence, that men should not have as large a liberty to defend themselves violently, as Beasts have; and that men were in a worse condotion then beasts, if as Beasts have alwayes power to defend themselves violently, with their horns, heels, teeth &c. So men should not have as large a liberty, in every case to use violence upon Magistrates, putting them to vexation, or perhaps troubling them in life states &c.] But where findes he these words in *Lex Rex*? The author of *Lex Rex* sayeth Pag. 334. [It were a mighty

a mighty defect in providence to man, if dogs, by nature, may defend themselves against Wolves, Bulls against Lyons, doves against hawks; If a man in the absence of the lawful Magistrate, should not defend himself against unjust violence, but one man might raise armies of papists sick for blood, to destroy innocent men] but this is far from [as large a liberty, in every case] and cometh no way near to blasphemy, but is a real truth. Suppose *Lex Rex* had said so (which I finde not) it had not been apposite to his poynt now, while he is speaking of opposeing Magistrates not puting to vexation, or perhaps troubling in life, state, &c. but rightly executeing a just law, against a malefactor, which the worthy author of *Lex Rex* would never have owned, but would have said, That the Magistrate was bound to execute Gods Law against men-sworne Apostats, such as he and his fraternity are, & that they were bound to submit to the stroke of justice. Thirdly he sayes Pag. 16. *may not the exercise of selfe defence and violent resistance, be restrained by the grace of God, and the power of his command for submission, abiding upon a mans spirit as in Isaac's case, who did not resist his aged father going to sacrifice him.* Ans. Whether Isaac made any forceable resistance or not, we know not, scripture is silent; but it tels us his father bound him, we acknowledge God is Lord of life, but no man is; and he may restraints by his will and working on the spirit, so as a man who lawfully might flee, and save his life, shall not have power to do so, but abide and glorify him by giving a faithful testimony unto his truth when questioned. But thinks he that such instances are binding precedents? Sure, then he shall contradict his owne doctrine, Cap. 4. Or thinks he, that a Body of a people or a considerable part thereof, shall not exercise lawfully this privilege of self defence & violent resistance, when neither the Law of God, nor such extraordinary force or restraint of God on the Spirit, but the vaine pleadings of Court Parasites, would have it restrained? Fourthly Pag. 17. He sayes, *May not the defence of our temporal life, in some case, cease, for the preservation of the eternal life of our Neighbour, when it comes to that, that the defence of the one shall be the certane losse of the other?* Ans. True, and therefore He and the rest of the perjured clergy



clergy should much more cease from the preservation, or rather usurpation, of their places, livings, and dignities, when so long as they domineer, there is certane ruine to Religion, and to the souls of many thousands. And againe, if a man may lay downe his natural life, for the preservation of the soul of his Neighbour, much more may he with others, hazard the same in opposeing unjust violence, for the defence of the pure Religion, whereby thousands of soules may be eternally preserved. But doth he think that a Nation or a whole countrey-side is to give up their lives to the sword of the Kings mercyleffe Emisseries, for to preserve the vaine pompe, and to fill the bellies of a few drons, whose God is their belly, though they should account that their eternal life, and all their felicity? *Fifly*, sayes he, *doth not this obligation cease, for the publick good and preservation of the Commonwealth.* Answer: What then? doth it follow That Men should renunce their priviledge of self defence, when their doing of that shall be so far, from promoting the publick good, and preservation of the Commonwealth, that upon the contrare, their doing so shall tend directly to the ruine of the publick good and destruction of the Commonwealth? Sure if this be true, that a man should lay down his life for the good of the commonwealth. It is also true, that moe should hazard their lives for the good of the Commonwealth, and violently resist violence. And doct *Ames* case mentioned *Cas. Consc. Lib. 5. c. 31. q. 3.* would sute the Prelates well, and their adherents: so that if he and they loved the good of the Church and Kingdome of *Scotland*, they should give up their necks to the stroke of justice, that the wrath of God may be turned away from the land: for till these be removed, we can not expect any thing, but judgement upon judgement from the Lord, till we be destroyed. Neither doth *Naphthaly* crosse *D. Ames*, for *Naphthaly* only speaks of a mans suffering intolerable and inevitable injuries, under *pretext* of the good of the Commonwealth; which indeed for a man to do, would be, for the delusion of an empty name, only for the lust of others, really to deprime himself of his whole share and interest there-



and, neither would he have ground of hope of getting a better share, seeing it were a great question and doubt; if, in that case, he were in the way of his duty. What he addeth, *Pag. 18.* of a souldiers going to a dangerous post, at the command of his General, is utterly impertinent; Natures instinct will teach some dog to stand in the gap to keep out the Bare. His last restriction is this *That it must cease to preserve the King, the Head of the Commonwealth, when the case is so, that the King must either lose his life or the private man his.* *Ans.* I grant *Lex Rex* sayeth [I think that a private man should rather suffer the King to kill him, then that he should kill the King, because he is not to preferre the life of a private man, to the life of a publick man,] But I doubt that it is so agreed among the learned. Sure *P. Voetius de Duellis Cap. 20. Pag. 162.* thinketh otherwayes, and proveth that self defence is lawfull to a private person against the Magistrate, for the law which alloweth to repel violence with violence, maketh no distinction betwixt a publick person and a private person, and the law of Nature alloweth it against every one; for it knoweth no difference: And as to that which some would say, That his death would be hurt full to the Commonwealth. He answereth, *That he who resisteth the Prince doth intend no hurt to the Republick, and it is not per se, but per accidens, that he standeth in the way of the good of the Commonwealth; and if he should suffer himself to be killed, he should transgresse against the Law of Nature.*] Yea much doubt if the Surveyer himself, would not rather kill, in this case, as be killed, and with *Naphthaly* account self defence a principal rule of righteousness, however now he would disprove this assertion if he could: And would let that passe of loving himself more *ad finem suum ultimum*, and *suam virtutem*. Finally; what he sayeth against this assertion of *Naphthaly* is to no purpose; for the Author of *Naphthaly* will readily grant that in some cases, not only a man, but a company of men, may, yea ought to preferre the preservation of others, unto the preservation of their owne life, because of a divine command to defend Religion, Libertyes, Posterity and Countrey, from the unjust invasion and violence offered

ferred by wicked Emissaries. But he shall never prove That the Body of a land or a considerable part thereof, is to hold up their throats, to be cut by the Kings cut-throats when he & they are seeking to root out the Covenanted-world of Reformation, to destroy the Libertyes of the land, and to make all perfect slaves, both in soul and body.

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## CAP. III.

## A fourth Argument Vindicated, taken from Scripture-instances.

OUR fourth argument shall be taken from instances of opposition and resistance, made unto the Sovereigne or his bloody Emissaries, by private subjects, without the conduct or concurrence of their Representatives, recorded in scripture, and which we finde not condemned by the Spirit of the Lord: So that whosoever shall condemne the late vindicators, must also condemne these instances.

As. 1. They must condemne the *Jewes* standing for their lives against their Enemies armed against them, with a commission from King *Ahasuerus*, sealed with his ring, which no man might reverse, in the dayes of *Mordecai* & *Ester*. But some will say. That they had the King's commission, which did warrand them to take the sword of defence against an that should assault them, under pretence of the former decree, I *Answer*. If their having of the King's commission did in poynt of conscience warrand them, It had been utterly unlawful for them, to have withstood the King's butchers, if they had not obtained that commission and warrand: But what man of common sense will say this This later decree did, in poynt of law, warrand them to gather together with safety and security, that they might the more easily, not only defend themselves from their Adversaries assaulting them; but also to destroy, to slay, and to cause to perish, all the power of the people and province

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hat would assault them, both little ones & women, and to take the spoile of them for a prey *Esh. 8: 11*. But did not, could not, make their self defence against such manifest & bloody cruelty, lawful in poynt of conscience, if, otherwise it had been unlawful. Though every instance will not in all poynts quadrate (*for nullum simile est idem*) yet vve have here in this instance these things for our purpose, 1. private subjects without their *Ephoi* or *Representatives*, arming themselves for defence: & that 2. against bloody Emissaries of the King: & 3. bloody Emissaries armed by a formal commission, decree and vvarrand from the King. 4. A commission formally never reversed, but standing in force, as the decrees of the *Medes* and *Persians* that might not be altered. 5. and this defence, as lawfull in it self in poynt of conscience, (for if it had not been so, the King's vvarrand had never made it so) so declared lawfull in poynt of law, by a decree from the King, after better thoughts. In imitation of vvhich, It had been a commendable practice in the King and Council, if they had been so farr from condemning these innocent self-defenders, (since, as they thought, in poynt of honour and credite, they vwould not retract or reverse their decrees and commissions once granted) that they vwould have authorized them, and absolved them in poynt of law, since in poynt of conscience, no man could condemne them, for standing to the defence of their Estates, Lands, Libertyes, Lives and Consciences, unjustly oppressed by mercyleffe Emissaries.

2. They must condemne the people their rescuing of *Jonathan* from the sentence of death, unjustly given out against him, by King *Saul* *1 Sam. 14: 44*. In answer to this instance, our *Surveyer* sayeth *Pag. 65*. [*That the people used no violence against Saul when he went about to put to Death innocent Jonathan, but in the heat of souldiery boldnesse, do effectually interpose with Saul, and mediate for the life of Jonathan, moving Saul to Wave respect to his rash oath, and to regaind what was just and right.*] *Ans.* 1. The matter came not the length of violence; but had the King pertinaciouly adhered to his rash and sinful resolution, and, by force, had offered to draw the innocent Man to death, that which they did, spoke clearly, they would have



have resisted him; for, whether the King would or not, yea contrare to his oath, they sweare in the face of the King, that *Ionathan* should not die. 2. It is but *gratis dictum*, that only in the heat of a souldiery boldnesse, they did mediate; beside, that there seemeth to be a material contradiction here, for souldiers mediating and interposing especially in the heate of souldiery-boldnesse, useth not to be with humble supplications & intreaties, but with violence or with what will usher in violence. 3. We heare of no arguments they use to move bloody *Saul* to change his purpose, but this, *as the Lord liveth there shall not one haire of his head fall to the ground*. He sayes *Pag. 66*. That [*the people did not oppose an oath to Saul's oath, for Junius exposition may passe well; that they spoke not by way of swearing, but by way of reasoning, abhorring the destruction of such a person, absit, ut vivit Jehovah, an cadere debet.*] *Ans.* The word which they use is no other way translated here, by *Junius*, then elsewhere; and elsewhere it hath clearly the import of an oath, as may be seen *Iudg. 8. 19. 1 Sam. 19: 16. and 20. 3, 21, 25, 26.* and in many other places. 2. The People spoke these words, as *Saul* spoke them, *ver. 45.* and therefore they are directly an oath of the people opposed to *Saul's* oath. 3. *Junius* himself sayeth, that they opposed a just oath to *Saul's* hypocritical oath. *Sanctius in locum*, sayeth, [the people opposed to the Kings oath, a publick oath, & swore that they would not suffer that any evil should be done unto him.] The *dutch Annotat* call it an abrupt kinde of oath in use among the Hebreuvs. But „ (sayes he) [It is a vvonder to see understanding men argue „ from this place, for violence and forcible resistance to „ Kings, especially vvhen acting according to lawes, consented to by private persones] *Ans.* This place proveth clearly that princes may be resisted, and resisted vvhen they use violence and oppression, and that by private persones, even vvhen the oppression, or iniquity is acted according to a pretended law, or something equivalent to a law. Let us see vvhere the difference lyeth. Here (sayes he) *the King is not acting according to law, but prosecuting the execution of a foolish and rash oath*] *Ans.* 1. Neither did our King's bloody Emissaries



not according to law, but were prosecuting the execution of  
 a devilish and rash resolution, to root out and destroy a vvhole  
 Countrey side, 2. If Royalists speak truth, *Sauls* vvord, let  
 be his oath, vvvas as good as a law: and *Sanctius* sayeth it vvvas  
*Decretum decreed*. And vvwhatever it vvvas formally, it vvvas ma-  
 terially a law, unto which they had all tacitely assented, v. 24.  
 & which they durst not transgresse v. 26. [*Here (sayes he) the*  
*opposition made to the King is by way of intercession & earnest reasoning*  
*that he ought to regard what was right more then his rash oath.*] *Ans.*  
 No reasoning vve heare but a peremptour telling of the King,  
 to his face, that he should not get his vvwill, not one haire of  
*Jonathan's* head should fall to the ground, if he should attempt  
 any thing, against *Jonathan*, it should be over their bellyes:  
 Their vvwords look like club-arguments. [*Here (sayes he) their*  
*opposition was acceptable and welcome, acquiesced in and yeilded to*]  
*Ans.* It is like it vvvas condescension by force and constraint,  
 for vvwhether he vvould or not, he savv he could not get his  
 vvwill, and therefore passed from vvwhat he intended, 2. His  
 acquiescence sayes the resistance vvvas more forcible then  
 meer intercession vvould be; for, he vvvas another sort of  
 bloody Tyrant, then to yeeld to petitions, vvhen he thought  
 his honour stood upon it [*Here (sayes he) the opposition is made*  
*by the Princes of the land, Captains of Thousands &c.*] *Ans.* The  
 text sayes *The people rescued Jonathan*. Who ever they vvvere  
 & vvwhatever they vvvere, they acted not here as the Supream  
 Sanhedrin, nor as a court of judicatour haveing povver of  
 government, but as private persones, according to their  
 povver and capacities. And so all this makes much for a  
 party of private persones (for here vvvas not all the land) their  
 resisting of the King's bloody emissaries executing cruelty,  
 not so much as according to an iniquous law, but contrare to  
 all law, right and reason [*Let (sayes he) Peter martyr be looked*  
*upon this place, and he speaks notably well, his owne words will discover*  
*how notoriously he is falsified by L. R. p. 349.*] *Ans.* *Lex. Rex.* dealt  
 ingenuously with his reader concerning him, telling him, in  
 the margine that *with adoubt* he said, *si ista seditiose fecerunt nullo*  
*modo excusari possunt*. And that he said they might *suffragiis*.  
 with their suffrages free him. Why did not the *Surveyer* set

down his vvords? did *Lex Rex* falsify also *Chrysostome* homil. 14. *ad Pop. Antioch. Iunius: Corn. a lapide: Sanctius: Lyra: Hugo Cardin. Iosephus L. 6. antiq. c. 7. and Althus. Polit. c. 38 n. 109.*

3. They must condemne *David*, for his resisting of King *Saul*, with armed men, which yet the spirit of God doth not condemne, but rather approve, in commending such as helped him 1 *Chron. 12:1. 2. 8. &c.* and inspiring *Amazias* who was chief of the captaines to say *Thine are we David, and on thy side, peace, peace be unto thee, and peace be unto thy helpers, for thy God helpeth thee.* So did he intend to keep out the city *Keila* against the King, and consulted God thereanent, and had his answere, that the city would betray him. Now if it had been unlawfull for him to have defended himself by such forcible resistance, we cannot think that he vvould have gotten such ansvvers as he gote. *Grotius* himself approveth this deed of *David's*. All vvhich this *Surveyer* sayeth against this *Pag. 67.* is, *That Davids unction did so distinguish him from private persons, as that it made it lawful for him to resist violence with violence:* But, the law of nature restricteth not this lawful self-defence to anoynted persons. 2. If his anoynting made him no private person, what did it make him? it could not make Him King, othervvise he might not only have resisted *Saul*, but have taken his life as a traitour; or else we must say, there were two Kings at once in *Israel*. 3. *David* never pleads this as the ground of his resistance, nor is there any hint of this in the text.

4. They must condemne the city *Abel 2. Sam. 20.* which resisted *Ioab, Davids* General, and his forces, when they besieged it, till the matter came to a capitulation, *Ioab* should have offered tearmes unto the city, before he had threatned to destroy it; and should have communed with the Magistrates concerning the delivering up of the Traitour, before he had resolved to destroy the whole city, for one Traitours cause and therefore justly did they defend themselves against his unjust invasion notwithstanding he was armed with a commission from the King: and remarkable it is, that after the capitulation, they were never challenged for traitours in resisting, with closed gates, and fensed walls, the King

General and army. So that here is a private city standing out for a time, against the King's souldiours, unjustly seeking to destroy them, because of one Traitor among them.

5. They must condemne the Prophet *Elisha* for resisting *Ahab's* bloody Emisſaries sent by him, in an angry moode, to apprehend him and to compell him, in a spitefull manner, and to take him prisoner, as say the *Dutch Annot.* on the place, For speaking such things as he did, unto the messengers of the King, who were sent to *Baalzebub* the God of Ekron, to enquire if he should recover of his disease; and to bring him to the King by violence, if he would not come willingly, as *Iosephus* sayeth *antiq. Lib. 9. c. 2.* 2 King. 1. Now he resisted such as were sent, and killed two Captanes & their fifties, with fire from heaven, which instance doth sufficiently declare that it is lawfull for private subjects, in some cases, to resist the unjust violence of the King's Emisſaries, though armed with his commission. It is true, the manner of his resistance, and of killing these, was extraordinary, by way of a miracle; yet the resistance it self, was not extraordinary, as we have seen by other instances, and shall see cleared by more.

6. They must condemne the prophet *Elisha* who resisted both the King and his Emisſaries in his owne defence 2 Kings 6:32. saying to the Elders who sate with him *see yee how his Some of a murderer hath sent to take away my head? look where the Messenger cometh, shut the door, and hold him fast at the door, is not the sound of his Masters feet behinde him?* Here was unjust violence offered to the innocent Prophet, an Emisſary sent to kill him without cause: and the Prophet resisteth his violence, causeth hold him at the door, and violently presse him, or presse him betwixt the door and the wall, which speaketh violent resistance: keep him (say the *Dutch Annot.*) by force at the door: yea *Iosephus* thinketh that the King followed quickly after, lest the Prophet should have killed his servant. This clearly sayes that it is lawful for private persones (for the Prophet was no other but a private subject) to resist unjust violence offered them by the



King or his Emissaries, and with violent resistance, to defend themselves.

7. Much more will they condemne other instances of greater opposition, made to the rage and tyranny of Princes, which we finde recorded in scripture, and not condemned.

As 1. That opposition made by the Ten tribes to *Rehoboam*, when they revolted from him, after they had a rough and tyrannical answer unto their just and lawful demands 1 *King.* 12: 1. & c. 2 *Chron.* 10: & 11. They desired nothing, upon the matter, but that He would engage to Rule over them according to the law of God, and He gave a most harsh and tyrannical answer, and avowed that he would tyrannize over them, and oppresse them more then any of his predecessours, and that his little finger should be heavier then their loyns: whereupon they fell away from him, and erected themselves into a new Commonwealth, and choosed a new King: And we finde nothing in all the text condemning this; for, it was done of the Lord, the cause was from the Lord, that he might performe his saying which he spoke by *Ahijah*; and when *Rehoboam* raised an army to reduce them againe under his power and command, the word of God came unto *She-mariah* saying *Speak unto Rehoboam &c. and say thus sayeth the Lord, see shall not goe up, nor fight against your brethren, the children of Israel, returne every man to his house, for this thing is from me.* It was done by the will of God sayeth *Iosephus Antiqu. Lib. 8. c. 11.* And there is not one word, in the text importing that this was condemned by the Spirit of the Lord for, as for that word 1 *King.* 12. 19. *So Israel rebelled against the house of David.* It may be as well rendered, as it is in the margin, *they fell away*; and so doth the *dutch* render it and *Iunius defecerunt*, they fell away, or made defection, and the original word is of a larger signification then מר which properly signifieth *to rebel*, yea though the word מר had been here used, it would not have imported a sinfull rebellion and defection, more then 2 *King.* 18. 7. where *Hezekiah* is said to have rebelled against the King of *Assyria*, and this was a fruit and effect of the Lords being with him, and prospering him which



whithersoever he went forth. The *Surveyer* Pag. 66. can say nothing but [*That no sound man will think the suddaine and furious rebellion of the ten Tribes from Davids house, upon the furious and rash answer of a young King, was justifiable.*] But whatever he say or think, it doth not weigh much with us; had he shewed us out of the Text, that this was condemned by the Spirit of the Lord, as sinful upon the matter, we should heartily have acquiesced, but since we see more hinting at an approbation thereof, we must rest there, till we see stronger reasons, then his naked assertions. But sayes he [*It would be considered that these who made the secession were the major part of the body of the people, but what is all this to justify the insurrections of any lesser party of private people against the Magistrate, and all Magistrates supreme & subordinate.*] *Ans.* By what right, this Major part of the Body did make secession, by that same right, might the equal half, or the lesser part have made secession; for the ground of the lawfulness of this secession, is not founded upon their being the major part, but upon the reasonableness of their demand, and the tyrannicalness of the King's reply. 2. This sayes much for us; for, if it be lawful for a part of the people, to shake off the King, refuse subjection unto him, and set up a new King of their owne, when he resolveth to play the Tyrant, and not to rule them according to the law of the Lord, but after his owne tyrannical will; then it cannot be unlawful for a part of the people to resist his unjust violence, and defend themselves against his illegal tyranny, and oppression. The consequence cannot be denied, seeing they who may lawfully do the more, may do the lesse also: So that seeing this people might lawfully refuse subjection and homage unto *Rehoboam* and all his subordinat Magistrates, They might also lawfully have defended themselves against his tyranny, and the tyranny of all under him: and if They might lawfully have done so, so may we.

2. They should far more condemne the revolt of the city of *Libnah* 2 *Chron.* 21. 10. This wicked King *Iehoram* when he was risen up to the Kingdom of his father, strengthened himself, and slew all his brethren with the sword, and diverse

also of the Princes of Israel v. 4. and walked in the wayes of the Kings of Israel, like as did the house of *Ahab*, for he had the Daughter of *Ahab* to wife, & he wrought that which was evil in the eyes of the Lord v. 6. and he made him high places in the mountaines of *Judah* and caused the inhabitants of *Jerusalem* to commit fornication, and compelled *Judah* thereto v. 11. 13. and because he had thus forsaken the Lord God of his fathers, did the city *Libnah* revolt from under his hand. Commentators cleare this to have been the reason as *Cornel. a lap. in loc. propter impietatem Regis defecit ab eo Libna. Sanctius* on 2 King 8. 22. *Lobnah recessit ne esset sub manu illius, dereliquerat enim dominum patrum suorum.* & *Pet. Martyr.* on 2 King. 8. v. 22. [*Causa in Paralip. describitur, ob Regis impietatem qui suos nitebatur cogere ad idololatriam, quod ipsi Libnenses pati noluerunt, & merito: principibus enim parendum est, verum usque ad aras, & cum illam terram inhabitandam a deo, eo foedere, habuissent, ubi illum juxta ejus verbum colerent, jure ejus idololatriam admittere, non debuerunt,*] Thus he approveth of their revolt in this case. What sayes our Surveyer to this [*This (sayes he) imports not the impulsive cause of the revolt, or motive which they had before their eyes (for, in that same verse & period, it is said the Edomites also revolted from him, because he had forsaken the Lord God of his Fathers, and the Edomites loved not the true Religion) but the meritorious cause on Jehorams part is poynted at.*] *Answ.* The text it self and Commentators, to vvhom vve may add *Jackson* on 2 King. 8. & the *Dutch Annot. Ibid.* give this as the impulsive cause, and only motive vvhich they had before their eyes. 2. Any who read the text vwill see his reason very unsound; for v. 8. it is said, that *in his dayes the Edomites revolted from under the dominion of Judah, and made themselves a King;* and no word of this, as the impulsive cause thereof; & v. 10. mention again is made of their revolt upon occasion of *Jehorams* seeking by force, to reduce them under his dominion; and then in a new period, mention is made of *Libnah's* revolt, with the cause and only motive thereof; *Because he had forsaken the Lord God of his Fathers.* Then he asks if his adversary [*thinks that the laying aside of the Presbyterian frame, is the forsaken of the Lord God of our Fathers,* and

and a sufficient cause for any one Towne in the Kingdom, to revolt from the King, (though he do not persecute them, nor force them to his way, as there is no evidence that *Libnah* was so used) shall a Kings swerving in that one poynt, or if there be greater infidelity, be sufficient ground of defection from him? ] *Ans.* I nothing doubt, but all such as have imbraced this present course of apostasie are guilty of a grievous revolt, having impudently and avowedly departed from a sworne Covenant, from a covenanted & sworne Religion, reformed in Doctrine, Worshipe, Discipline, & Government; and have in a great part forsaken the God of our Fathers, that covenanted God whom our Fathers, and we both owned, and imbraced as our God; and is sufficient cause for any City, or Company of men, so far to revolt from the King, as to refuse to concurre with him, in this horrible defection and course of perjury, and resist his unjust violence pressing and compelling them to a sinful compliance. 2. As it is more then probable, that *Libnah* was no better used, then were the people of *Judah*, by this Tyrannous King, and is asserted by the *Dutch Annot.* on 2 *Chron.* 21:10. So whatever this lyer suggesteth, it is notour that the King hath persecuted and doth persecute and force honest people, to follow his way, and apostatize with him, contrary to their consciences and sworne allegiance unto God, and if he add this clause as an exception, then (seing the truth of the thing is notour) he fully accords, that there is sufficient cause given, for any Town in the Kingdome to revolt, which is more then we desire. At length he tells us. That their revolt was sinfull. But when not only this revolt is recorded as done, but such an impulsive cause and motive is added by the Spirit of the Lord, without the least hint of any exprellion condemning the same, we dar not be so bold, as is this *Surveyer*; Nor are we so foolish as to receive his word, contraire to the testimony of so many expositors-

Hence we have a strong argument: For, if it be lawful for a part of the people, to revolt from a tyrannous Prince, making defection from the true and received Religion, and forcing his subjects to a sinful defection and compliance



with him in his apostasy: It must also be lawful for a part of the people to defend themselves by force against the Emissaries of a King departing from his faith and foresaking the Religion, which He hath sworne to owne and maintaine, sent forth by him, or any under him, to force, by cruel oppression and violence, them to a compliance with his sinful way. And the antecedent is cleare in this place.

3. They must much more condemne *Azariah*, and the fourescore Priests who being commended as men of courage & valour, resisted *Vziah* the King, *2 Chron. 26: 17. &c. they expelled him with force, stood against him*; the *lxx.* say *they resisted him*; *deturbarunt eum ex eo loco*, sayeth *Varatylus*: they forced him forth, and compelled him to goe out; they caused him make haste, sayeth *Ar. Mont. festinate expulerunt eum*, sayeth *Hieron.* When he went in the temple to burne incense, upon the altar of incense, on some solemne day (as *Iosephus* thinketh.) So that there is more then a resistance of him by words, as some Royalists say; even resistance by force and violence. Hence we argue; if private subjects may by force resist, withstand, and with violence hinder the King from transgressing the Law of God; Then may they much more lawfully resist him, and his bloody Emissaries, when He seeketh to oppress unjustly. and to draw people off from the wayes of the Lord. If any say with *doct Ferus*, that because of an expresse Law of God, being a leper, he was put out of the congregation: Then we see, that the Prince is subject to *Church-censure*, and so Subjects may judge him and punish him; we see also that Princes were subject to ceremonial lawes, as well as any of the subjects; and why not also to the moral Lawes; and if because of a ceremonial Law, the King was to be ceremonially punished, why also, for the breach of a moral Law, may he not be punished morally? Hence will it undoubtedly follow, That a Prince rageing and tyrannizeing contrare to all equity and reason, may be resisted and his violence repelled with violence, even by private subjects. Worthy *Mr Knox*, in his debate with *Livingston*, doth from this instance gather; That subjects

not



not only may, but also ought to withstand and resist their Princes whensoever they do any thing that expressly repugnes to God, his Law, or holy Ordinance. *Litchington* objected That [they were not private Subjects, but the Priests of the Lord and figures of Christ, and such have we none this day, to withstand Kings if they do any thing wrong.] He answered that though the High Priest was a figure of Christ, yet he was a subject. [For (said he) I am assured that he, in his Priesthood, had no prerogative above these that passed before him; now so it is, that Aaron was subject to Moses, and called him Lord: Samuel being both Prophet, and Priest, subjected himself unto Saul, after he was inaugurated of the people; Sadoc bowed before David, &c. And whereas you say, we have no such Priests this day, I might answer, that neither have we such Kings this day, as then were anointed by Gods commandement, and sate upon the seate of David, and were nolesse the figures of Christ Iesus, in their just administration, then were the Priests, in their appointed office; and such Kings (I am assured) we have not now, no more then we have such Priests, for Christ Iesus being anointed in our nature, of God his Father, both King, Priest, and Prophet, hath put an end to all external unction: and yet I think you will not say, that God hath now diminished his graces from these whom he appoints Ambassadors betwixt him and his people, then he doth, from Kings and Princes, and therefore, why the Servants of Iesus Christ may not also justly withstand Kings and Princes who this day nolesse offend Gods Majesty, then Uzziah did, I see not; unlesse that ye will say, That we in the brightnesse of the Evangel, are not so straitly bound to regard Gods glory, nor his commandements, as were the Fathers who lived under the dark shaddowes of the Law.] And when *Litchington* sayd, That they only spoke unto him without further violence intended. He answered, [That they with stood him, the text assures me, but that they did nothing, but speak, I cannot understand, for the plaine text affirms the contrary, viz. That they caused him hastily to depart from the sanctuary, yea and that he was compelled to depart; which manner of speaking (I am assured) in the Hebrew tongue importeth more then exhorting, or commanding by word.] And when *Litchington* lastly objected that they did that after he was espied to be leproious. He answered, [They with stood him before, but yet their last fact confirms my proposition,

so evidently, that such as will oppose themselves unto it, must needs oppose themselves unto God; for my assertion is, That Kings have no privilege, more then hath the people, to offend Gods Majesty, and if so they do, they are no more exempted from the punishment of the law, then is any other subject; yea, and that subjects may not only lawfully oppose themselves to their Kings, whensoever they do any thing that expressly oppugnes God's Commandement, But also that they may execute judgment upon them, according to God's Law; so that if the King be a murderer, an adulterer, or an Idolater, he should suffer, according to God's Law, not as a King, but as an offender: and that the People may put God's Law in execution, this History clearly prooveth; for so soon as the leprosy appeared in his forehead, He was not only compelled, to depart out of the Sanctuary; but also he was removed from all publick society, and administration of the Kingdome, and was compelled to dwell in a house apart, even as the law commanded, and got no greater privilege in that case, then any other of the people should have got: And this was executed by the People --- & therefore yet againe I say that People ought to execute God's Law, even against their Princes, when their open crimes by God's Law deserves punishment, but especially when they are such as may infect the rest of the multitude. ] Thus that worthy Servant of God, and hence any may see, how this passage doth more then confirme what we are now about to prove.

4. They must much more condemne such as arose against Amaziah when he turned away from following the Lord, & pursued him to Lachish and slew him there, 2 Chron. 25: 21. Concerning which I shall only set downe what famous and worthy Mr Knox said in that forementioned debate, which he had with Lithington, [ „ The whole people ( sayes he ) conspired against Amaziah, King of Judah, after that he had turned away from the Lord, and followed him to Lachish, and slew him, and took Uzriah and anoynted him King instead of his father. The people had not altogether forgotten the League and Covenant, which was made betwixt their Kings and them, at the inauguration of Joas his Father, to wit, that the King and the People should, be the People of the Lord, and then should  
„ they

, they be his Faithful subjects, from which Covenant, when  
 , first the Father and afterward the Son had declined, they  
 , were both punished with death, *Joas* by his owne Ser-  
 , vants, and *Amaziah* by the vvhole People, vvhhen *Lithing-*  
 , *town* (said) *he doubted whether they did well or not.* He ansvv.  
 , [ It shall be free for you to doubt as you please. but where  
 , I finde execution according to God's law, and God himself  
 , not to accuse the doers, I dar not doubt of the equity of their  
 , cause. And further it appeareth to me; that God gave  
 , sufficient approbation, and allowance of their fact, for  
 , he blessed them with victory, peace and prosperity, the  
 , space of fifty two years after ] and when *Lithing-*  
 , *town* replied That prosperity doth not alwayes prove that God approveth the facts of  
 , Men. He answered (, Yes, when the facts of Men agree  
 , with the law of God, and are rewarded according to his  
 , owne promise expressed in his law, I say that the prospe-  
 , rity succeding the fact, is a most infallible assurance, that  
 , God hath approved that fact: Now so it is, that God  
 , hath pronounced in his law, That when the people shall ex-  
 , terminate and destroy such as decline from him, that he  
 , will blesse them, and multiply them, as he hath promised  
 , unto their fathers. But so it is, that *Amasia* turned from  
 , God, for so the text doth witnesse, and plaine it is, that  
 , the People slew their King, and like plaine it is, that God  
 , blessed them. Therefore yet againe I conclude that God  
 , himself approved their fact: and so far as it was done ac-  
 , cording to his commandement, it was blessed according  
 , to his promise.) And when *Lithingtown* replied againe  
 , That he thought not the ground so sure as he durst build his consci-  
 , ence thereupon. He answered (, [ I pray God that your con-  
 , science have no worse ground then this is, when soever you  
 , shall beginne the like work, which God in your owne  
 , eyes hath already blessed.] And if so (as is very probable)  
 , and learned *Alshus. pol. c. 38. n 106.* is of the same judgment  
 , with Mr *Knox*, we need not trouble the reader with forming  
 , an argument thence to our purpose, the same being so ob-  
 , vious and cleare, that he who runneth may read it.



## CAP. IV.

## Our Argument from other approved instances, and authorities, both abroad, and at home.

**T**His practice, howvver it be novv condemned by a generation of perfidious Prelates, and Malignants, enemies to the glorious vvork of Reformation, from the beginning, & a company of base Sycophants and Court flatterers, as an unparallelable act of rebellion and sedition; yet, as it is abundantly confirmed by precedents in scripture, as vve have seen, so is it by the practice of others; vvhom none, but men of the same stampe, vvill condemne; and by authorities of Divines abroad and at home, as vve shall novv shevv. And,

I. The history of the *Maccabees*, mentioned in that story, is a cleare example of private persons resisting and defending themselves from the iniquous assaults of the Sovereigne, or his Emissaries; for when *Antiochus Epiphanes* was compelling them to forsake God, and tyrannizing over them, *Matthias* a priest, and his sones made open resistance; and afterward *Mattathias* & those with him, hearing how *Matthias*, out of an overnice superstition, would not fight in their owne defence, on the Sabbath day, resolving upon all occasions to defend themselves, their Lives, and Lawes, and to take all advantages of the Enemy, did accordingly assault them, and recovered their Cityes Lawes and Libertyes, fighting many battels with good successe. And *Osiander Enchirid. contro. c. 9. de mag. pol.* testifieth that this was done by the encouragement and assistance of the Spirit of God. And if any should reject this instance as impertinent, because they suppose *Antiochus* was not their lawful Supream Magistrate, but only a Tyrant without title, let them heare what *Grosius de jure belli & pacis lib. 1. c. 4. n. 7.* sayeth to this? „ Like „ unto this appeareth that deed of the *Maccabees*; for whereas „ some think to defend these armes, upon this gronnd, that „ *Antiochus*



*Antiochus* was not King but an invader, it seemeth foolish to me, seeing in all the history of the *Maccabees*, and of such as took their part, they never name *Antiochus* any thing else, but their King, and that not without ground; for long before this, the *Jewes* had acknowledged the authority of the *Macedonians*, unto whose power and place *Antiochus* did succeed. & as to that that the law forbiddeth that any stranger should be set over them, that is to be understood of a voluntary election and not of what the people might through necessity be forced to do. And, whereas others say that the *Maccabees* used only the right of the people *cuius auctoritate debentur*. Neither is that solide, for the *Jewes* being at first overcome by *Nebuchadnezar*, and subjected to him, by the law of warre, by the same law they did obey the *Medes* and *Persians*, who succeeded unto the *Caldeans*, and all this Empire came at length into the hands of the *Macedonians*: hence it is, that *Tacitus* reckoneth the *Jewes* amongst the basest of such as served these *Assyrians*, *Medes* and *Persians*: Nor did they require any thing by stipulation from *Alexander* and his successours, but without any condition gave themselves up unto their power, as formerly they had been under the command of *Darius*. And if at any time the *Jewes* were permitted to use their owne rites, and lawes, that was but a begged right, which they had through the indulgence of the Kings, but not through any imperial law. So that there is nothing that can defend the *Maccabees* but most imminent and certane danger ] thus  
ne.

2. The constant practice of the Waldensian protestants in *Piedmont*, doth shew that this late practice is not so strange & uncouth, as adversaries would give it out to be; for, they never had a Representative to be a screen betwixt them, and the tyranny of their princes, and yet how oftentimes have they valiently withstood such, as came to oppresse them, in goods and lives, though cloathed with commission from the princes? In the year 1580. being persecuted by the *Lord of Trinity*, and their popish Soveraignes, they assembled solemnely together, to consult how to prevent the imminent

nent dangers, and after prayer and calling upon God for his grace, and spirit of counsel and direction, they resolved to enter into a solemne mutual Covenant, and to joyn in a League together, for defence of Themselves and their Religion, and so accordingly did assist one another, in their defence, which they did with good successe; And that alwayes since, whenever they were assaulted by the bloody Emisseries of the *Duk of Savoy*, as any may see fully in their history. So that whosoever will condemne the late detence, must also condemne these poor oppressed protestants, who have no other meane to keep them from utter extirpation, but this innocent meane of self defence, and of repelling unjust violence with violence; for Bonds, Promises & Covenants binde their Prince, as such obligations use to binde some others viz. no longer then they see it for their advantage. Neither have they any Representative, Prince, or Noble man, among them, to head their matters; but meer necessity puts them to use the best expedient they can, and forcibly to resist their oppressing Superiours, when they send to spoile them of their goods, lives and libertyes.

3. Some particular cities in *Germany* did defend themselves against the Emperour unjustly invadeing their libertyes, and assaulting them, as may be seen in the history of *Germany*, particularly the Cities of *Madenburgh* and *Breme*.

4. So in *France*, the Cities of *Montobane* and *Rochel* and the Isle of *Ree* with stood the King, when he was seeking to oppresse them. And no man will condemne these for acts of rebellion and sedition, unlesse they will also condemne our Kings, who, at least undertook, and offered to help and assist them.

5. It was this opposition and resistance of privat persons when tyrannized over, by Superiours, that hath brought the Cantons of *Helvetia* unto that state of freedome and liberty, which they have enjoyed for many yeers, and do enjoy this day; being now a free Republick, as *Simlerus* sheweth in his history of that Republick.

6. But that we may come home, we finde some remarkable instances of this nature, which no man in reason, who shall

all condemne this late defence, shall be able to defend :  
and to beginne with what may be most recent in our memo-  
es. In the year 1648. There are two signal Instances.  
The one was that violent resistance used against the Parlia-  
ments forces at *Mauchlin-moor*. Here was not only a re-  
sistance, in defence of the truth and cause of God, then  
ought to be borne downe and oppressed, by a prevalent Ma-  
ignant faction in Parliament, without the concurrence or  
conduct of the Representatives of the land, but directly against  
them : Here was a defence used by way of resistance, by  
neer privat persons without the company or concurrence of  
ne Noble man ; And yet a resistance that never was con-  
demned by any, to this day, except ingrained Malig-  
nants ; but was approved and commended highly, by  
the Parliament anno 1649. the best Parliament *Scotland* did  
see for many yeers. Againe thereafter in that same yeer  
1648, The forces of the west Countrey arose in defence of  
the Cause and Covenant of God ; and that not only without  
the conduct of a Parliament, but against their resolutions.  
It is true, there were some Nobles & Parliament-men among  
them, and countenancers of them ; but these acted not, nor  
could act, by vertue of any Parliamentary power ; but only  
as privat subjects, having, by reason of their greater interest  
in the land, a greater obligation to lay out themselves, and  
to improve their authority and influence in the countrey,  
for the good thereof, and for the cause of God. They had it  
is true, by their places and stations, greater influence upon  
the Countrey, and a greater backing, and so being leading  
men, were in a greater capacity to defend the oppressed truth ;  
but all this gave them no publick Magistratical power, nor  
put them in the capacity of a real and formal Representative :  
and yet all this was afterward approved, ratified and confirmed  
by Parliament, as good and necessary service to the countrey,  
and to the cause of God. A third notable instance is that  
Anno 1639. There was then no publicke civil judicatory  
carrying on that defence, but Nobles and others, each in  
their capacity, and according to their power, concurred, for  
the promoteing of that necessary work of defence. They  
did



did not acte under the notion of any such judicature, nor did they assume to themselves any such power and authority. It is true, there were then a great number of Noble Patriots; and renowned Nobles, who laid the work of reformation to heart, and laid out themselves to the utmost of their power for the same, and because of their concurrence, the vvorke vvas the more feazible and easy to be carryed on; but I think the stresse of the lawfulnessse of that defensive warre, did not lye wholly upon their shoulders; so that if they had with drawne, all the rest of the body of the land, had been bound in conscience, to have deserted the same also. It is true, it was of great advantage unto the cause, that God stirred up the spirit of the Nobles to owne the same (and is so alwayes) upon many accounts; and their concurrence had its owne auxiliary force, to justify the interprise, for *abundans cautela non nocet*: But I remember not that the lawfulnessse of that defensive war, was stated only or mainly on that particular. It is true, They are *Primores Regni* be vertue of their particular places and stations, and be vertue of their eminency over others, and power by reason of their eminency; and so are engaged beyond others, to see to the good of the Land, and of Religion, for the good of the souls of such as are under them, and on whom they have or may have influence; And, be reason of this, may authoritatively even as such, do many things, when there is no other constitution of a Supreme Representative; But when a constitution of a Supreme Publick Representative is condescended upon and settled, it is certaine they cannot separatly, yea nor joyntly act in the power and capacity of a formal Supreme Representative, but when they are, with others, constituent members of that Representative; and out of that Representative (unlesse by power and commillion from it) they cannot act judicially, or authoritatively, nor in any other capacity formally, then as private persones, though as persons of greater interest, and share in the Commonwealth, and so under greater obligations; both by the Law of God and of nature, to bestirre themselves more effectually for the good of the same; and as persons of greater influence and conduct; yet still under the



the notion of private persons, private persons I meane, as opposite to persons cloathed vvith publick authority and Parliamentary povver. I grant they are borne-Heads and Magistrats of the Countrey, as being in eminency above others, and as being by birth, conforme to our constitution, borne-Members of Parliament, and so in *potentiâ proximâ*, and in a nearer capacity then others are, to vote and acte in Parliament: but still I say, considered out of Parliament, or vvhen there is no Parliament, they cannot exerce any Parliamentary povver, conclude or determine any thing of that nature, more then others: It is a truth also, that they have, by reason of our law and constitution, a Magistratical power, limited to such and such causes over such and such particular places; but that is only an inferiour, and subordinat civil power, and cannot extend beyond that limited bounds, more then the power of Magistrates in Broughs, or Sheriffs in Shires, or Baylies in Baylieries, or the like, and is no part of that Magistratical power which is commonly called the power of warre. I grant, that they and all other inferiour Magistrates, are to seek to promote the good of the vvholeland, and to concurre, according to their povver, for the same, even because of their interest and share of that subordinat povver: But they cannot act under that notion, nor do any thing be vertue of that particular povver, nor exerce any acts thereof, out of the bounds of their severall jurisdictions; But all they do, is by vertue of that fundamental power belonging to all the members of the Commonvvealth, according to their severall places and relations. Hence therefore it is cleare, that our worthies then acted not, as a publick judicatory, or as publick persons cloathed vvith publick authority. So that whosoever shall condemne this late act of defence, upon the account, that it vvvas managed by meer private persons, must so, in reason, condemne that which these worthies did; and so conspire vvith the Malitious Malignants, ingrained wickednesse, and enmity to the way and work of God. The fourth and last instance, is that of our first reformers in the dayes of Mr. *Knox*: for, at the beginning of the re-

formation, there were but very few Nobles, who concurred, as Mr. Knox testified in his sermon Nov. 7. 1559. in these words [when we were a few in number, in comparison of our Enemies, when we had neither Earle nor Lord (a few excepted) to comfort us, we called upon God, and took him for our protector, defence and only refuge.] And, in the following words, he sheweth that it fared rather better with them, then worse, when they wanted the concurrence of Nobles: For, sayeth he, [*amongst us was heard no bragging of Multitude, nor of our strength and policy, we did only job to God, so have respect to the equity of our cause, and to the cruel pursuit of the tyrannical enemy; but since that our number hath been thus multiplied, and chiefly since the Duke with his friends hath been joyned with us, there was nothing heard, but this Lord will bring those many hundreded spears, This man can perswade this countrey, if this Earle be ours, no man in such bounds will trouble us: And thus the best of us all, that before felt God's potent hand to our defence, hath of late dayes put flesh to be our arme*] And as Mr. Knox said, so it was, much of their businesse was carried on without the concurrence of many Nobles. We hear of no nobles with the gentlemen of the west, when they came from the border to the Queen, and when James Chalmers of Gaugirth said to her (when they had heard, that she had caused summon the protestant preachers) (*Madam, we know that this is the Malice of the jewells, and of that bastard* (meaning the Bishop of S. Andrews) *that standeth by yow, but we shall make a day of it. They oppresse us, and our tennants, for feeding of their idle bellyes, they trouble our preachers, and would murder them and us, Shall we suffer this any longer; No Madam, it shall not be* Nor was there any of the Nobles present, when that abomination of carrying an idol on S. Giles day, was opposed. There were but foure Nobles that subscribed the first bond at Edinburgh Decemb. 3. 1557, Where the whole congregation resolved, by the grace of God, to apply themselves their whole power, substance, and lives, to maintaine, se forward, and establish the most blessed word of God, and his congregation &c. So foure or five only subscribed the second bond at Perth may last 1559. We finde not man  
Noble

Nobles with them, when they petitioned the parliament. And there protested [*that they would worships God, according to the right manner: That none of them therefore should incurre any danger. That if upon this account any tumult should arise no crime might be imputed unto them, but unto such as refused their just Demands.*] And when they wrote that letter May 22. 1559. Wherein they said [*That except the cruelty were stayed, they would be compelled to take the sword of just defence against all that should pursue them, for the matter of Religion, and that the cruel, unjust, and most tyrannical murder intended against Towns and Multitudes was and is the only cause of their revolt from their accustomed obedience.*] And when they wrote that other unto the Nobility, wherein they said [*By your fainting and extracting of your support, the Enemies are encouraged, thinking that they shall finde no resistance: in which poynt, God willing, they shall be deceived, for if they were Ten thousand, and we but One thousand, they shall not Murder the least of our brethren.*] From all which, and from the whole story of these times, it is undenyably apparent, that they acted for the defence of the truth, and of their oppressed brethren, and for the carrying on of the work of reformation, for some considerable time, without the concurrence and conduct of a Parliamentary Representative. From all which Instances of our predecessours, I would have these things observed.

1. It is remarkeable That when God was to beginne any work of reformation in our Land, whether from Popery or Prelacy, the powers then in being, were standing in a stated opposition thereunto. This is notoure both in the dayes of Mr Knox, & in the year 1639. King, or Queen, and Councils were stated against it, and opposing the same, what they could.

2. The only wise God, who is wonderful in counsel, and excellent in working, thought fit, not to beginne with the Spirits of the Powers in being, to cause them first appeare for the work; but thought it more to his honour and glory, to make use of foolish things to confound the wise; and of weak things, to confound the things that are mighty; and of base things, and things which are despised, and things



which are not, to bring to nought things which are. It seemed good in his eyes, who doth all things after the counsel of his owne will, to imploy the least of the flock in that businesse according to that word *Ier. 49. 20. and 50. 45.* and to raise up meane, and contemptible instruments, that the work might more conspicuously appeare to be his, and the glory thereof redound to himself alone.

3. As they would have been glade, ( had it so seemed good in the Lords eyes ) if the standing Representatives, would have not only concurred and countenanced that work, but would have, according to their places, led on the vaune, and shewed themselves powers appoynted for God and his glory, by exerceing the power which God had put into their hands, for God and his interest; So the want of their encouragement and conduct, did not, in the least, brangle their confidence of the lawfulness of their interprize, or so discourage them, as to give over their work, as desperate and hopelesse.

4. Nor did they ever assume to themselves any authoritative and Magistratical power, to legitimate their actions; as if they had thought, that without that formality, their resolutions and motions had been condemned as unlawful in the Court of God, and Nature: but walked upon the ground of that fundamental right, granted to all both higher and lower, to maintaine the Truth of God, upon all hazards, and to stand to the defence thereof, and of themselves, when unjustly persecuted, because of their adherence thereunto, according to their power, and as God in his providence called them thereunto.

5. Nor did their adversaries objecting, that their actions were treasonable and seditious, as being contrare to authority and established lawes, scar them from their purposes, in the least, having the testimony of a good conscience with in them, that they had not the least purpose or project, to cast off lawful authority, or to diminish it's just right and power; and knowing that the Powers out of whatever principle, and upon whatsoever motives, relinquishing their duty, and opposing that truth and way, which by their places



places and callings, they were obliged, before God, to maintaine, preserve, and promote, did not loose their obligation, and exempt them from that duty, which God and nature had laid upon them; but rather did presse them to prosecute their business more vigourously, as seeing the necessity much more urgent, and the difficulty so much the greater: And knowing that whatever lawes are made, in a Christian Common wealth, should be for the glory of God, and the good of the souls of the subjects mainly, and for their external welbeing only in subordination unto these great Ends; and when the observation of the strick letter of the law, did crosse the maine good, which principally *de jure* they aimed at, they were *eo ipso*, in so far, null and voyd before God; because it alwayes holdeth good, *that it is better to obey God, then Man*, and mens commands or lawes, unto which obedience cannot be yeilded, without contempt of, and treason committed against the Highest of all, who is King of Kings, are as no commands before God, and disobedience unto these, is no disobedience unto the lawful authority, but faithful alliaigance unto the most Supream.

6. These poor weak beginnings, how base and contemptible so ever they appeared, yet God was pleased, when the time to favour *Zion* was come, so to owne, countenance and prospere, that the same work at length came to be owned, by Publick Representatives, and Parliaments, yea and the Kings themselves were brought to a publick owneing and approving of the same. And who knoweth, but, if God had thought good to blesse this late act with successe, it might have been followed with the like consequent? But his time was not come.

7. It is also observable, That whatever disaster, or disappointment they did meet with, in prosecution of the Reformation, and in the preservation and defence of themselves, in the owneing of the truth of God; though it put them to mourne for their iniquities before God, and to acknowledge, among other sinnes, their too much relying upon the arme of flesh, and not resting with a pure faith on

his power and protection; yet it never made them question their call, or suspect the lawfulness of their work and business, as to its substance, and end: for they knew well, that the work was the Lord's and that their call was divine; though for his owne holy ends, that they might be more humbled, and taught do depend with a single heart, on his word and promise, and to purge out such evils as provoked the eyes of God's jealousy; he suffered them to fall

8. When the work came at length to be owned by Parliaments and Higher Powers, what was formerly done by persons not in that capacity, was not condemned either as unlawful or illegal, nor did the valient actors stand in need of any indemnity, as if they had been transgressors; but all was either virtually or expressly approved: and the worthy actors praised and highly commended, as indeed they did deserve.

9. None ever condemned these actions as treasonable and rebellious, but such as were knowne to be real and heart-enemies to the work it self; no tongues were ever loosed against them, except the imbittered tongues of sworn adversaries, ingrained Malignants, Enemies to God and godliness, & haters of the power of it. These and none but these who are of their father the devil, durst condemne the same. And many hollow hearted professors (among whom this Surveyer deserveth to be reckoned) were forced against their hearts, to approve of the same & joyne in with the favourers & maintainers of that noble cause, so forceable was the light, and the power of that Spirit that acted the worthies in these dayes, who now have turned open Apostates from that truth and cause, & have adjoynd themselves unto that ever accursed, Popish, Prelatical, and Malignant faction. Yea remarkable it is that God did so overpower the pen of that Arch-Enemy *Sposwood*, that though he would have said all which Hell it self could have prompted him unto; yet durst say no more of these first courses and practices, but that they were *Violent and disorderly*. And this *Rabshakeh* the *Surveyer*, who, in the end of his book (having reserved the dregs of what he had to excrete against the work of God and his worthies,

worthyes, until then *Pag. 118. &c.* would out-stripe his  
 predeceffours, and spevv out his venome, like another adder  
 of the same spavne; yet the overruling providence of  
 God, hath so curbed him, that he got not liberty to run the  
 full length he vvould, and therefore he sayes [*We cannot justifi-  
 fy all courses that were used then for carrying on the work of reformation*]  
 and againe [*if some instruments thereof were guilty of sedi-  
 tion, or sacrilege, or self seeking*] and againe [*if sinful courses  
 were then used by men*] and againe *Pag. 119.* [*Let us not stand  
 superstitiously upon the justifying of all their deeds*] Who sees not  
 this wicked mans Mouth bridled, by the restraining power  
 of God, so that he cannot, he dar not, plainly and ex-  
 pressly call these courses seditious or rebellious; but cometh  
 on with his *ifs* and *if some instruments*, and *all their courses can-  
 not be justified*: as if, in the most laudable work, to which  
 men might have a most cleare call, some accidental or cir-  
 cumstantial actions, might not abide the test: and as if among  
 a company, some might not have by-ends, while a good  
 work was laudably and lawfully, as to the maine, carryed  
 on. Ay, but this good man, you will say, is mighty  
 in love with the work of reformation, and blesteth God for  
 it *Pag. 118. 119.* True, we finde him say so in words,  
 but God knoweth his heart: But is it not strange, that  
 since, he sayeth, he approveth the work, he will be more  
 blinde then was that poor man in the gospel whom he men-  
 tioneth, who had his eyes opened *1oh. 9.* for that blinde man,  
 did see a divine power in the work wrought and said  
*v. 33. If this man were not of God he could do nothing*, and will  
 not only, not see the mighty hand of God in the instruments,  
 but tells us, he is not much concerned to enquire. But what  
 needeth him much doubt of a divine call, considering the  
 work it self, it's end & the direct tendency of the meanes unto  
 this end, & the real & christian intentions of the instruments,  
 which he will not see in the instances he bringeth viz. of the  
 wicked hands crucifying Christ, of prophane and unfaithful  
 Ministers preaching, of a leprous hand sowing seed, of  
 acts of fornication and adultery? Why then doth he adduce  
 such Instances so impertinent? Wil he proclame himself



a fool of the first magnitude in so doing? Ay, but he would have us following the practices of the primitive christians, who never used any undutyful resistance to, or violence upon the Magistrats, rather then the precedents in these dregs of time. But why will he not follow their practices himself? Was it their practice to abjure a lawful Covenant sworne for the maintainance of the Truth? Was it their practice to renunce their former profession, and turne Apostates from the truth, which once they avowed? Was it their practice to turne their back on Christ and his interest, for the will of creatures, and for a mease of pottage? Was it their practice to change their Religion with the court? Concerning the practice of the primitive christians, in this poynt, and how imitable we shall speak afterward. If these were the dregs of time, wherein there was so much faithfulness, Zeal, constancy, piety, singleness of heart, contempt of the world, what dregs of dregs of time are we novv fallen in, vvherein there is so much infidelity, atheisme, perjury, falshood, lukwarmnesse, inconstancy, imbraceing of this present vvorld, and all sort of wickednesse and prophanity? [*But (sayes he, Pag. 119.) let it be so that much of the way of these, who were at first instrumentall in the reformation in this Land, were justifiable upon the account of purging the Church, from the horrid grossnesse of idolatry, corruption of doctrine, tyranny and usurpation over poor soulls wherewith the man of sin, had for many ages defiled and burdened the poor Church; and upon the account of the open hostility to the truth, wherein Magistrats then stood, together with the inbringing of forraigne furious forces upon us, even to the heart of our Land; How unlike was the case then, to what it is now? and how unable is the case now to beare the burthen of a conclusion for such practices as then were used?*]

*Ans<sup>r</sup>.* But truly wise judicious Men will not see the case then, so far different from what it is now, as that the case now shall not be so able to beare the burthen of a conclusion for the same practices; Seing there is, this day, as much horrid grossnesse of idolatry in the Land, as hath been at any time, these hundereth yeers: And, as for corruption of doctrine, alas! Who doth not heare it, and see it, that

heareth



heareth these locust - curates preach downe all piety and godlineffe, and harden people in defection and apostasy from God? It is as great a corruption in doctrine, as needs to be, to pervert therein the right wayes of the Lord, & to lead people into the broad way which leadeth unto destruction: againe, what greater tyranny and usurpation over poor souls would he have, then is now exercised, since the periured Prelates the kindly brood of the Man of sinne, have defiled and burthened our poor Church. The *Apology* and *Naphrally* have abundantly manifested and dayly experience confirmeth it, That the tyranny and usurpation is insupportable, and as grievous, as it was then. Moreover, is not the open hostility to the truth as manifest in the Magistrats, this day, & as legible by such as run, on all their acts and actings, as it was then? who seeth not this, but he who can not see the wood for trees? And as for the inbringing of forraigne furious forces, into the heart of our Land, It were needlesse, seing we had raised up in our owne bosome, as cruel, bloody, mercyleffe, furious and mad forces, as any forraigners could be, or these were: wherein lyeth the difference then? O (sayeth he) [*We can avow it, in the presence of God, that we contend for that same Faith and Religion, that our predecessours stood for, against the Powers of that time: and will maintaine the same, against all Novators, who upon account of a peece of Church order (allowed by our Reformers) now re-established, instigate any private persons, who have power enough, to destroy all Magistracy and order in the Land, because of the owning thereof.*] It is not much matter what such men, say, they can avow in the presence of God, who have openly and avowedly broken their voves, and renuned that Covenant, which they swore oftiner then once, with hands lifted up to the Most High God. No wise Man will think that such will stoutely contend for the Faith and Religion, who have renuned all faith and Religion, and abjured these Covenants, which were strong bulwarks, to guaird and defend that Faith and Religion. Ay, but he will maintaine it against Novators, as he calleth them. That is indeede a new way of maintaining truth, to maintain it against such as stand for the defence thereof, and all the bulwarks thereof against him and his

fraternity, who are dismantling the walls, undermining them, opening the gates to adversaries & intertaining them kindly in their bosome. He speaks an untruth, when he sayes, that the Reformers owned such a Church order (rather Church-bane, and Church-confusion) as these worthies are now contending against, and is now re-established. So vwhen he sayes, that these *Novators*, and that *Naphrally* do instigate any private persones, vwho have povver enough, to destroy all Magistracy and order in the Land, and to occupy their Roomes. We hope there shall be a Magistracy and good order, in the Land, vwhen that abjured Hierarchy, the bane of that Church and State, shall be utterly abolished, vvith all it is adherents. I must not let that passe vvhich he hath *Pag. 119.* [*Some (sayes he) have said, Religion would never have been reformed, if violence had not been used upon Magistrates: But why should men take on them to limite God? Hath he not shewed his power in several parts of the world in working on the hearts of the Supream Magistrates, and causing them to goe before others in reformation of abuses?*] *Ans.* We know no violencee was used then upon Magistrates, only with violence the godly withstood the unjust violence of Magistrats, so as they got not their furious purposes executed: we shall be far from limiting the Holy Oe of Israel, & therefore dar not say, but he hath moe wayes then one, of bringing about his holy purposes: And, as at the first spreading of the Gospel, it was not his way, to work on the hearts of the Supream Magistrates, and cause them to goe before others, in the reformation; so a way may be his way, which is different from that way, whereunto he would limite the Lord. We do not deny but God may, vwhen he thinks good, stir up Magistrates to goe before others in that vwork; but it hath not been his way of recovering us from Popery, and we have not found the Supream Magistrates ever since so cordial, as vve could have vvished, for the vwork of Reformation; And yet God hath carryed on his ovvne vwork, vvwhether they vvould or not: And he who wrought then is the same God yet, as mighty and povverfull as ever. I vvish he vvould take the follovving vvords to himself, and his party, for they quadrate vvell, [Men are too apt, to be bold in ante-

verting Gods vvay, and to follovv their ovvne carnal prudence and affections, inthat vvwhich they are set upon, and hereupon ( vvhen they prosper ) to fancy a divine approbation of their vvay : So self-loving are men Ordinarily.

From these particulars mentioned, and from vvhat vve have replied unto this *Surveyer*, It is put beyond contradiction, That vvwhosoever shall condemne this late act of defence, in maintainance of Religion and Libertyes, must of necessity also condemne vvhat vvvas done *Anno 1648.* and *Anno 1638, 1639* Yea and vvhat was done at the beginning of the Reformation in the dayes of *Mr Knox*, and stricken with all the rabble of the sworne Enemies of our Church and Reformation, and speak the language of the *Ashdodites*, ingrained Malignants, our inveterate adversaries; and speak lowne right, vvhat this bitter apostate, the *Surveyer*, dar not in plaine tearmes expresse; And so condemne all those vvworthies vvwho valiently ventured, and hazarded all for the truth, as Traitors and Rebels; and say, that such of them is lost their lives in that cause, died as fooles die, in rebellion, and under the crime of treason; and that all the blood of those vvwho valiently died in the bed of honour, in the maintenance of their Religion and Christian Privileges, or vvwho jeopardded their lives in the high places of the fields, in defence and prosecution of that cause, is to be required at the hands of *Mr Knox*, and other noble Reformers, vvwho actively bestirred themselves in this matter, then, and of late : Yea they shall condemne all the Prayers, Teares, Sighs, Groanes, Fastings, Supplications, and other such like meanes, as vvvere used in these exigences: Which guilt, vvwise Men vvwill vell advise, ere they take unto themselves.

The next thing is to adduce some authorities. *Pareus* on the *Rom. Cap. 13. dub. 4.* Hath this fourth proposition. „ [ It is lawfull for private subjects, if the Tyrant set upon them as a robber, or a ravisher, and they can neither obtaine help of the ordinary povvers, nor shun the danger, in that present exigent, to defend themselves and theirs, against the Tyrant, as against a privat Robber. „ 1. Because, against whomsoever a defence is lawfull by the help of Magistrates, against the same, privat defence, „ in



„ in case of necessity, is also lawfull, vvhhen the defence  
 „ by Magistrates cannot be had: because in such cases, Kings  
 „ themselves do arme private persons. But in the case of  
 „ necessity, defence by the inferiour Magistrate against the  
 „ Superiour, is lawfull. Therefore also private defence is  
 „ lawfull. 2, Because if we take away both publik and pri-  
 „ vate defence, against the cruel rage of Tyrants, the  
 „ boundlesse licentiousnesse of Tyrants should be strengthen-  
 „ ned, & hereby the civill society should be openly destroy-  
 „ ed, yea and chiefly the Church; because the most wicked  
 „ part should destroy the better. But without doubt, the  
 „ Law of God doth not so establish the licentiousnesse  
 „ of Tyrants, as that thereby, humane society, should be  
 „ destroyed. Therefore, God doth not forbid, in all cas-  
 „ es, resistance to Tyrants oppressing people in their lives,  
 „ and saifty, to satisfy their lusts. ] Thus He. But it  
 may be, Our Surveyer will reckon him in amongst his Pseudo-  
 martyres, because his book was confuted by a Hangman  
 and a fiery fagot, at the command of King *James*: Yet,  
 both the book, and the Author are in great esteem with the  
 reformed, and his praise is in all the Churches, and what-  
 ever come of the book his reasons stand firme and valide. In  
 the History of our Reformation, *pag.* 397, 398. (edit. in  
 4 to *Edinb.*) we finde that *John Knox* had the Apology of  
*Mazdeburgh* subscribed by the Ministers there, declaring  
 the defence of the towne against the Emperour, to be most  
 just and lawfull, and offered it to Secretary *Lithington*, who  
 then was disputeing against him, to read.

And having now made Mention of Mr. *Knox*, what was  
 his judgment in this poynt, that history doth abundantly de-  
 monstrate. His words to the *Queen* are remarkable (see hi-  
 story of Reformation, *pag.* 317.) When she asked him if he  
 thought, That subjects having power might resist their  
 princes: He answered, „ If princes do exceed their bounds,  
 „ and do against that, wherefore they should be obeyed,  
 „ there is no doubt, but they may be resisted, even by power;  
 „ for there is Neither greater honour; nor greater obedi-  
 „ ence to be given to Kings and Princes, then God hath  
 „ com-



commanded to be given to Father and Mother. But so it is That the father may be stricken with a phrenzie, in the which he would slay his owne children: Now if the children arise, joyne themselves together, apprehend the father, take the sword or other weapon from him, and finally, binde his hands, and keep him in prisone, till that his phrenzie be over-past, think ye Madame (said he) that the children do any wrong, or vvill God be offended vvith them that have stayed their father from committing wickednesse? It is even so with princes that would murther the people of God, that are subject unto them: their blinde zeal is nothing but a very mad phrenzie, and therefore to take the sword from them, to binde their hands, and to cast them into prisone till that they be brought to a more sober minde, is no disobedience against princes, but just obedience, because it agreeth vvith the vvord of God) thus he, vvho knew not vvhat is vvast to feare the face of any breathing, in the defence of his Master's cause and interest: and vvast an eminent diuine, a holy Man of God, living in dear communion vvith God, and vvast far above the reproches and calumnies of his aduersaries. And it is considerable, that this vvast a particular vvich he had frequent occasion to be thinking upon, and no doubt, this holy Man vvould be often reflecting upon the matter, and upon his owne judgment; and consulting God and his vvord thereunto, that he might know vvwhether his grounds vvvere such, as he vvould not have cause to be ashamed of, vvhen he vvast to appeare before his judge, being oft called to shew his judgment concerning that matter: And his constant practice being consonant thereunto: And yet we never finde that his heart reproached him, for maintaineing any such opinion, vvwhile living, or vvwhile dying, nor did he ever change his judgement thereof; yea, not when the maintaineing thereof might have been a sufficient ground of an accusation: and doubtlesse he vvould before hand examine, if he vvould lay downe his life upon such a ground, yet constant vvast he in that, cost him vvhat it vvould, or could; he vvast no changeling, nor had he so  
drunken

drunken in truth. Yea in the end of that conference vvith *Lichingtown* he told them that he vvvas not only fully resolved in conscience, but also had heard the judgements of the most godly and learned that he knew in *Europe* in that particular, and in all other things that he had affirmed [*I came not* (sayes he) *into this realme, without their resolution, and for my assurance I have the hand-writting of many.*] Neither was this his judgement alone, but also of *Mr Georg Hay* vvhom the Earle of *Mortm* vvould have had disputing against *Mr Knox*. But (sayd he) *I will not oppose my self unto you, as one willing to impugne or confute that head of Doctrine, which not only yee, but many others; yea and myself have affirmed; farre be it from me, for so should I be found contrarious to my self.*] And of *Mr Craig*, *Mr Knox's* colleague, vvho told vvhat a conclusion he heard defended at *Bonnaonia*, Anno 1554. by *Thomas de Finela* Rector of the University, and approved by *Vincentius de Placentia*, as agreeable both to the lavv of God and man. viz. [*That all Rulers be they Supream or inferiour, may & ought to be reformed, or bridled, by them, by whom they are chosen or admitted to their office, sooft as they break that promise made by oath to their subjects; because that the prince is no lesse bound by oath to the Subjects, then the Subjects to the Princes & therefore ought it to be kepted & reformed equally according to law, and condition of the oath that is made of either party*] and when some said that *Bonnaonia* was a Republick. He answered [*My judgement is that every Kingdome is, or at least should be a Commonwealth, albeit that Every Commonwealth be not a Kingdome: and therefore I think that in a Kingdome, no lesse diligence ought to be taken, that lawes be not violated, then in a Commonwealth; because that the tyranny of Princes who continue in a Kingdome is more hurtful to the subjects, then is the misgovernment of those that from yeer to yeer are changed, in free Commonwealths; but to assure yow and all others, that head was disputed to the utter-most; and then in the end, was concluded, That they spoke not of such things as were done in diverse Kingdomes and Nations, by Tyranny and negligence of people, but what ought to be done in all Kingdomes and Commonwealths, according to the law of God, and unto the just lawes of Man: and if by the negligence of the People, by the Tyranny of Princes, contrary lawes have been made, yet may that Same people, or their posterity justly crave all things*

things to be reformed according to the original institution of Kings and Commonwealths; and such as will not do so, deserve to eate the fruite of their owne foolishnesse. thus he: see, *Hist. of Reform. Pag. 399. 400.* Edit. in 4. Yea this was the judgement of all the reformed preachers at that time, as we see witnessed by the Congregation, vindicating the doctrine of their preachers, concerning obedience to be given to Magistrats, in these words (see *Hist. of reform. Pag. 184.*) [*In open audience they declare the authority of Princes and Magistrats to be of God, and therefore they affirme, that they ought to be honoured feared and obeyed, even for conscience sake, provided that they command, nor require nothing expressly repugning to God's commandement, and plaine will revealed in his word. Moreover they affirme. That if wicked persones abusing the authority established by God, move Princes to command things manifestly wicked, That such as can & do bridle the inordinate appetites of misled Princes, cannot be accused as resisters of the authority which is God's good ordinance. To bridle the rage and fury of misled Princes, in free Kingdomes and Realmes, they affirme it appertaineth to the Nobility sworne and borne Councellors of the same; And also (NB) to the Barons and People: whose votes and consents are to be required in all great and weighty matters of the Commonwealth, which if they do not, they declare themselves criminal with their misled Princes, and so subject to the same vengeance of God which they deserve, for that they pollute the seate of justice, and do, as it were, make God author of iniquity.*]

Thus we see this late practice is not without laudable and approved precedents, nor vvanteth it the approbation of the valient vvorthyes of our land, vvho if they vv ere living this day, vvould set to their seal to this truth, and be ready to seal it vvith their blood; and the testimony of one Mr. *Knox*, is more to be valued, then the contrare assertions, of all the perfidious Prelates in *Britane*, and of all their underlings, yea then of all the time-serving, and men-pleasing court parasites, vvho first have debauched their consciences into a stupide silence, and their judgment into the atheists beleef that there is no God, and then devoted soul, body, religion and all, unto the lust of a sinful creature,



## C A P. V.

## Of the Peoples power, in erecting Governours: and several Arguments thence deduced.

WE shall willingly grant, vvith the *Surveyer* Pag- I. That God hath made man a Rational creature, and fit for society: And that God hath appoynted, besides œconomical societies, the coalition of people into greater bodies, consisting of many families under one kinde of government, and political head, for their mutual good in their necessities, and for protection of the whole body, and every Member thereof: That Magistracy is God's ordinance, he having appoynted Superiour Heads and Governours, to rule these bodies that they might be preserved from ruine and destruction: And that he hath put this instinct and dictate of reason into all; so that even barbarous people are led together into such politick associations, under their Governours, for their subsistence in general, for the mutual help one of another, and for the protection of the weaker against the injuries of the stronger: And therefore we willingly say with worthy Calvin *Lib. 4. Inst. c. 20, §. 4.* That [*Nulli jam dubium esse debet, quin civilis potestas, vocatio sit non modo coram Deo sancta & legitima, sed sacerrima etiam, Sin tota mortalium vita, longe omnium honestissima.*

Yet as to the right understanding of the peoples interest in the constitution and creation of civil Government, and of civil Governours, unto whom they subject themselves, we would have those Particulars considered.

I. It will be readily granted, that there was a time when such people, as are now imbodyed in a politick state, were not so imbodyed; but were either living separately in a wandering condition, or by providence cast together in one place, and cohabiteing together, and throw proesse of time, increaseng in number, and filling that place of ground with their posterity and issue; in which condition living with-



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at any established civil order common to all, every one w to his owne matters the best he could, and governed these, according to his best advantage, having no other w to square his actions by, then the morall law, or law of nature.

2, Among this multitude or company, while in this condition, there was none, who by birth, or any other lawful claim, could challenge to himself any civill dominion, power or authority over the rest, or could exercise any Magistratical power, whether by makeing civil lawes, or by executing the same. I speake here of a civile power, for I deny not, but in that condition, parents had power over their children, husbands over their wives, masters over their servants; and, in some respect, the Elder might have had some power over the younger, the more strong and powerfull over the more weak, the wiser over the more foolish and ignorant, and upon that account, a sort of natural preeminence: but this neither did, nor could intitle them unto a civil superiority, and civil Magistracy over these, farr lesse over all the rest. I grant that even in that state of affaires, some being endued of God with gifts and qualifications beyond others, and so more fitted for Government, then others who wanted those advantages, might look liker the persons, whom they ought to pitch upon and call for that work; but notwithstanding of these enduements and abilities, They could not upon that sole ground, lay claim unto Sovereignty; and assume unto themselves a civil power and jurisdiction over the rest: so that as to any actual, and formal right unto Magistracy, and supream government, all are by nature alike, though not alike qualified thereunto, and so, not in alike neare capacity for reception thereof. This, I suppose, will not need proof, since I am here speaking of the first, and most undoubtedly lawful, and ordinary constitutions of Commonwealthes; and abstracting from that question, What Magistratical power he may have, and assume to himself, who transporteth and erecteth colonies; as also, from that question, what title or right to government, pure conquest by armes, or a  
F  
lawful

lawful conquest upon a lawful warre, may give, as being of no affinity with our case, though this *Surveyor* be pleased now to account us little better then a conquest, of which afterward.

3. When a multitude in this condition, do associat together, and considering, through the instinct of nature, how necessary it is, that some way be condescended upon, for the common safety and preservation of the whole body from forraigne adversaries, and intestine divisions, and for the safety and preservation of every one in particular, from mutual injuries, and acts of injustice, do think of establishing some civil government and governours, we cannot rationally suppose, that they goe about such a businesse of moment, rashly, brutishly, inconsiderately and irrationally; If reason teach them that a government must be erected, for their wel being, and move them to think of falling about it, we cannot rationally suppose them to acte in this matter irrationally, They being rational creatures, & not a company of brutes, and through the instinct of reason taught that this was a businesse both necessary and of great concernment, cannot but be supposed to act rationally in this matter.

4. It will not need much disput to prove, that by this constitution of a Policy, and of Politick Governours, they should not be redacted unto a worse condition, then that was, into which they were, before the constitution was condescended upon; farr lesse can it be supposed, that by this change they enjoy no more the common privilege of rational creatures, but degenerate into beasts, or are depressed into a condition, equal unto, if not worse then that of beasts. Sure it must be granted that they remaine Rational creatures, and that Rational Creatures would never rationally yeeld unto such a change as should deteriorate their condition, let be brutify them, or make them rather choose to be beasts. And that such a change into a civil state, if accompanied with such consequents, could never be the instinct of pure nature; nor can we suppose, that such a thing can be the ordinance of God, appoynted for the good of mankind.

Therefore this must stand, as a firme truth, that the condition of a people modelled into a civil state, is not worse then it was before, but rather better.

5. It will be no lesse readily yeelded, That such, one or more, as are chosen by the Community, to act the part of Magistrates, notwithstanding of that change made in their condition, abide men of the like passions and infirmities with the rest (yea and subject to moe temptations and so in greater hazard to miscarry, then formerly) This change doth not Transforme them into Angels, or put them beyond the reach of injuries (as all will grant) nor beyond a capacity of doing injury, even to these over whom they are set. No humane power can set any above God's Law, or loose him from the binding power thereof: and till this be; or They out of a capacity of transgressing God's law (which no humane act can do) He or They are still obnoxious to the sin of injureing their neighbour; and transgressing the law of righteousnesse, no lesse then others;

6. It is Left to the People, in this case; to condescend upon what forme of government they think most expedient, and most suteable to their temper, and to the condition providence hath cast them into, whether it be Monarchy or Aristocracy or Democracy, or a mixed kinde: for though God and Nature hath instituted Government, yet not having determined any one *forme*, to be the only lawful forme; People are at liberty to walke here upon rational grounds, and to consult their owne advantage, next the glory of God; and to make choise of that, which, all things considered, promiseth most probable felicity unto them; and of the several *formes* or Kindes of government, (all lawful in themselves) to pitch upon what Kinde they think most expedient and conducing to their ends. This is assented unto by all Politicians: and so it followeth, That it is meerly from the People, that this forme and not another is made choise

7. As neither God nor Nature hath determined the particular forme of government under which Men must live, it hath left it, as was said, to their free choise; so it is not



determined how large or how little every politick society should be; nor whether a people living at some considerable distance from other, or more contiguously, should joyne together in one, and make up one body politick; or whether they should erect moe, distinct, and independent Commonwealthes though possibly of the same extract, and language. Nature sayeth not that all in one Iland, of one extract, or of one language, should become one Politick Body under one politick head. We have heard of the time when there have been many Kings, distinct and independent, in one *England*: And how many Kings there was at one and the same time, in the land of *Canaan*, no vast territory, scripture tells us. Nor hath Nature determined that distinct bodies of people, living in distinct and far separated places, yea having distinct customes, and languages, may not when they see it for their advantage, associate for setting up one Supream Sovereigne over all. So that this also is left to the free choise and determination of the People.

8. When a free People have rationally and deliberately condescended upon the forme, it is in their power to condescend upon the time, how long that forme shall endure, and either prefix a certaine time, at vvhich it shall evanish; if they see it not expedient to continue it: or reserve to themselves a liberty to alter it when they vvill. Each of the formes being in themselves layvful, People may choose vvhich they think best; and though one Kinde of government vvill agree to some People, better then another, yet Bodies of people, being lyable to casual changes, and these requiring formes suteable, A people at the beginning guyled with reason, may rationally foresee such changes and accordingly determine the first forme condescended on to continue, longer or shorter time, definite, or indefinite. It is not to my present purpose to determine, vvhat a people may do as to this; after their predecessours have once imbraced a forme, and engaged themselves by oath never to change it. Or vvwhether it be layvful to svveare unto any on forme.



9. It is from the People, that such persones, and no other persones, are made choise of to Govern according to that forme, which they have condescended upon: before this deed of the People, no man can pretend to it, all being equal, and none over another by nature, in any political capacity, no man coming out of the womb into this world, with a crowne on his head, and a scepter in his hand: and God (as we here suppose) immediatly and particularly designeing none, nor without the least concurrence of the People instaleing any into that place of jurisdiction: and therefore the People must do some thing in order to this, and upon their deed it followeth, that such as before were no lawful Magistrates, nor had any formal political power, are now Magistrates and Governours, having lawful power and authority to exerce the function of a Magistrate: for though the People do not institute the office of Magistracy, and though the proper essential Magistratical power, be from God and not from the People; and though the parts and qualifications wherewith the Magistrate ought to be, and the person which the people do pitch upon, is actually endued, be from God; yet till the People do some thing, all these do not formally cloath a man with Magistratical power, nor make him a lawful Magistrate, nor authorize him, to assume that place & charge: for, the present condition and temper of a people may call for a *Monarchy*, as most fit, and there may be among the Community, now associated & combined into one body, moe persones then one, alike well qualified for the charge; yet no man will say, that these, because of their qualifications, become *eo ipso* Monarchs, nor can one create himselfe; for what right and power hath he more than his neighbour as wel qualified as he? Therefore it must be granted that the People create the Magistrate, and make this man King and not that man: Hence vve often read in scriptures of the Peoples making Kings *Judg. 9: 6. 1 Sam. 11: v. 15. 2 King. 10: 5. 1 Chron. 12: 38. Judg. 11: 8, 11. 2 King. 14: 21. 1 Sam. 12: 1. 2 Chron. 23. 3.* The *Surveyer* seemeth to yeeld this, *Pag. 132. See Gerbard. de Magistrat.*

tu, §. 49, & 89. Pag. 718, 719. *Althusf. Politic. Cap. 19. numer. 103, &c*

10. It is from the People that this way of election, and not another is pitched upon: There being several wayes, how in constituted Republiks, or Kingdomes, the Supream Magistrates doe succeed to other: Some, at the death of the former, succeed by way of free election, and he is chosen who possibly hath no relation to his predecessour; Some are chosen, who are of the same family, but not as nearest in line, but as most fit to exercise the office of the Sovereigne, as it was for a considerable time in *Scotland*; In some places the nearest in line, are chosen, if they be Males, as in *France*, where, by the old Salicque Law, a Woman must not command in chiefe; in other places the nearest in line succeed whether Male or Female, as in *Brittanne* now a dayes. Now whence floweth this diversity of wayes of instaling the succeeding Magistrate, or of filling the place when vacant? Doth it not flow alone from the People? Might they not have pitched upon a way of conveyance of the Kingdome, by lineal succession, when they made choise of continual election; or when they pitched on that, might they not have made choise of this? And who will say that a Supream Magistrate or Magistrates, chosen by election are not as essentially Sovereignes, as these who come to the place by lineal succession, seeing by all politicians, Election is made one of the ordinarie wayes of constituting of Magistrates, and by many, preferred to Succession? And seeing the first of that Race had it by free election, he must be as essentially and lawfully the Supream Magistrate, as any of his Successours.

11. Even where the way of lineal succession is conceded upon and established, the new Sovereigne, though he seem to be full and compleat heire, *habet ex asse*, unto his Father or Predecessour; Yet originally, and radically he is constitute, and chosen by the People. For, whence cometh it but from the Peoples free choise that such a familie, or line is chosen, and not another; and that the Eldest, or nearest in the line is made choise of as Successour, and not

he,

he, of that line, who is mostly qualified for that place and function: So that in this case the Son hath not his Kingdom from his Father; for he doth not succeed *jure hereditario*, sed *vi legis per quam primogenitus, vel alius proximus succedere jubetur*, as sayeth, *Boxhornius de Majestate Regum*, Pag. 11, and 12. Now the Authors of this Law and constitution, are only the people. See *Althus. Polit. Cap. 19. n. 90.*

12. In all this, the People must be supposed to have some certane good End before their eyes: for a Rational People must act rationally, and rationally they cannot act, unlesse they have before their eyes some certain good End; Now this end which they Intend as men, must be their outward Peace & Tranquillity, freedome from oppression from strangers or one from another, and the like; and as Christians, the glory of God, the good of Religion, and of their souls. Therefore the People setteth Magistrates over themselves, to promote the glory of God, the good of Religion, and their temporal felicity: And if they saw that this meane had not a tendency unto these Ends, they would never have condescended upon it; far lesse if they had seen that it had a tendency to destroy these Ends: and therefore, in so far as that meane is perverted, and actually abused to the destruction of those high and noble Ends, they must be interpreted as Non-contents, and *atenus de Jure*, in no worse condition, then they would have been into, if they had not erected such a constitution, or set such over themselves.

It is like the *Surveyer*, will from some or all of these, draw such Conclusions as he hath done from some innocent expressions of *Naphtaly* ill understood by him, and as ill applyed; and say that we drive at nothing else, but to have all the parishes of the land cantonized into so many free Republicks, or little Kingdomes of *Iustice*. But is he an able, or if able, a faithful maintainer of the Union and integrity of his Majesties dominions, who vvresteth expressions, far contrary to the intent of the Author and starteth questions in *Hypothesis*, according to his fancy, and that he may confute the *Hypothesis*, fallerth soule upon the *Thesis* which he supposeth (without ground) vvvas the intent and designe of the Author.



of *Naphtali*, and vvhich will be granted by all Politicians and Lavvyers. Sure, as in this he hath shewed himself vweak in his Politiks, so he hath bewrayed himself as weak in his prudentials: and wise Statesmen will think, that (to use his owne expressions else where, or the like, ) since he raised the Devil, he should have laid him better then he hath done, both in his first and in his third Chapter: and some will think, that since he had no cleare call to meddle with those questions, policy should have taught him either to have forborne, or to have confuted them better; And that for this very cause, he should be punished as an ignorant Traitor, and his pamphlet condemned to a fire, whereof it is much more worthy, then severals that have gote that measure. But of his foolish and unfaire dealing in those particulars, we shall speak more afterward, and shall now goe on & draw some arguments for our purpose, from what hath been said.

And 1. If People at the first erection of Government and Governours, acted rationally, it can never be supposed that they resigned and gave their birth-privilege, and power of self-defence away, so as they might not lavvfully stand to their ovvne defence, in cases of necessity, vvhen that Government or these Governours, should either come short of giving the assistance expected in such cases, or prove lets and impediments in their vvay, far lesse in case they should prove their avovved and open enemies: for is it imaginable that rational men would erect such a Government, or set up such Governours, if it were told them, that such Would prove their bane, and that by appointing of them, and proceeding in that businesse, they should denude themselves of that power of self defence, vvhich novv they vv ere in possession of, See *Althus. Polit. Cap. 38. num. 32.*

2. If by this constitution, they were not brutified, they cannot after the constitution, be supposed to be in a case worse then Brutes. Therefore Since Brutes may defend themselves against injuries, this liberty & privilege of self defence, against manifest injuries, cannot be taken away from Rational Creatures, by the erection of a Government. Again, if



by the erection, and new constitution, the case of the people cannot be supposed to be made worse, if it was lawfull unto them before, to defend themselves against injuries, and to repel violence with violence, it cannot become unlawful afterward: it is true, it is the part of the Magistrate to defend them from injuries, and for this end, was he set up by them, that they might be the more secure and saife; but if he neglect his duty, they are not to forget themselves, or to thinke that their hands are bound up; much lesse, if he himself turne an enimie unto them.

3. If the Erected Magistrates remaine men, and sinful men, and men that can do wrong and violence and injustice, can oppresse innocents, destroy, pillage, plunder, kill and persecute unjustly: Then the innocents may no lesse defend themselves against their violence, injuries, oppressions, murthers, &c. then against the violence, oppressions, and injuries of others: for the wrongs and injuries they do, are as reall wrongs & injuries (and in some respect greater) as the wrongs and injuries committed by others. Therefore the People are still allowed to use their privilege of self defence even against them, and their unjust violence, in cases of necessity, as wel as against others.

4. If it was of the People that this forme of Government, and not another was pitched upon and made choise of, no man in reason can thinke, that their condition should be worse under that forme, then under any other, since they acting rationally, made choise of that, as the best and most convenient and conduceable to their ends; But that that forme should be every way as much for their peace, saifty, welfare, and security, as any other, and ought no more to binde up their hands from necessary self defence, when urged thereunto by inevitable necessity, then if they were free from under that forme.

5. If it was of the Peoples owne accord, that they associated with such or such, without any previous determination of Nature, necessitating them thereunto. Then it is rational to inferre that their association with such, should not be to their detriment and manifest hurt, nor should it incapacitate them

them for doing that in their owne defence, which, before that association and combination, they were allowed to do. So that if the equal half, major or minor part, should lye by, and refuse to concurre with the rest in their necessary defence, Those who desire to stand to their owne defence, and repel violence with violence, are not, in poynt of conscience, justly restrained or bound up. If the equal half, or major or minor part of an army, betray the cause, or revolt to the Enemy, the honest party will be allowed in poynt of Law and Conscience and Valour, to stand to the cause, and defend themselves and their Countrey to the last man, yea even though the General himself should become a Head unto that revolting party.

6. If it was in the Peoples power to limite the time definitely or indefinitely, how long such a forme should continue, and therefore had power ( as Politicians will readily grant ) to change that forme, when the necessity of their condition did require it: Sure it cannot be repugnant to Reason to say, That the People have still a power to defend themselves from the manifest injuries, and intolerable oppression of that forme, or of these who are exerceing in that forme. If a people may lawfully change a forme of Government, when it becometh intolerably grievous, and not only not conducing to the good of the Commonwealth, but clearly and sensibly tending to its destruction, they may no lesse ( if not more ) lawfully defend themselves against the manifest and intolerable injuries thereof. Yea even in case they had by vowes or engagements so bound up their hands, that they could not alter the forme; it were not rational to thinke that their case should therefore be irremediably the worse, but that rather God and Nature would allow them in that case, so much the more to make use of their primæve privilege of self defence, because they could not use their power of altering the forme, for their security and saifty; as otherwise they might have done.

7. If the People make Magistrates, and set them over themselves, then, though it were yeelded ( which yet lawyers and politicians not a few will not grant, see *Alshus. pol. cap. 38.*

n. 35. where he proveth it by l. *nemo quis* 37. de reg. jur. l. 6. solens de offic. procons l. 3. de re. jud. novel. 15. de Def. civ. c. 1 §. 1.) that they had no power to depose them againe in case of male-administration, and abusing the power to the destruction of the Commonwealth; yet ) it will undenyably follow, that the people may defend themselves against their manifest tyranny and oppression: for, it will be granted that a People have more power, in creating a Magistrate then in making a Minister; and it will be granted likwayes, that if the Minister turne heretical, and preach atheisme, Mahumetanism, or the like, the People, though they could not formally depose him, or, through the corruption of the times, could not get him deposed by these who had power, yet they might lawfully guard themselves from his unsound doctrine, and defend their souls from his hæresie by withdrawing: and if he should use violence to force them to heare him, & acknowledg him as an orthodox teacher, they might repel violence with violence, and peremptorily maintaine the Truth.

8. If it was from the People, That such a way of conveyance of the Magistratical power, was condescended on, so that when they pitched on this, they might have cholen any other; Then (as Lawyers will grant) they have still power to alter the same as necessity requireth; much more then have they power to defend themselves, against the Tyranny thereof: and if either at the first constitution or afterward, something interveened which laid such a restraint upon them, that they could not change that manner of conveyance, then so much the more are they allowed to defend themselves from the tyranny thereof, by recurring, in cases of necessity, unto their primæve privilege, and this inward wall and bulwark ought to be the more fortified, that they want their outter fortifications.

9. If even where the conveyance runeth in a line, the Successour cannot pretend to more dominion over the subjects, then his Predecessours had, and the People cannot rationally be supposed to be in a worse condition under the Successour, then they were under his Predecessour, seing he holdeth



holdeth the place, not *jure hereditario* ; but *jure legali* or *jure constituti* nis : and therefore if they might lawfully resist the unjust violence of his Predecessour, or of the First in the Line ; no man, in reason can deny it lawful for them to resist his tyranny, who cometh to that place by vertue of the fundamental constitution ; and no otherways.

10. If upon pregnant considerations, and for good, laudable and necessary ends, the People erected a civil state, and such a forme of Government, and such Governours to succeed to other in such a manner of way, as the apparent and probable meane, for the sure, saife, speedy and most effectual way of attaineing these ends. It were irrational to think that being disappoynted of their expectations and frustrated of their hopes, of attaineing the desired ends by such meanes, They were in an irremediable case, and had no meane left them of attaineing these necessary ends, no not so much, as that pure product of Nature, self-preservation, and power to repel force with force. No man will say, but that a People are loosed from their obligation to use such meanes which they formerly pitched upon for these necessary and important Ends, when they not only prove not useful, as meanes for attaineing of these ends, but prove destructive, and stand in contra-opposition there unto; and in this case, must be supposed, to have the same liberty to use such meanes as they were allowed to use in their primeve state, that is, to joyne together and associate, the best way they can, for repelling of what destroyeth these noble and important Ends, and defend their Religion, Lives and Libertyes.

But it may be the *Surveyer*, or some for him will say. That all this is nothing to the purpose ; because The state of our government and constitution is of a distinct and far different nature.

*Ans.* As to this, ( reserving what is further to be spoken on that subject unto the next chapter, where we shall speak of the obligation of the Sovereigne unto the People ) these things seeme cleare and undenyable. 1. That before *Fergus* the first, was chosen by the People, to be their King and Chiftane,



Christane, there were a people living in *Scotland*, managing their owne matters, the best way they could. 2. While they were in this condition, we heare of none among them, however possibly excelling others in wealth, power, wisdom and such like enduements, that took upon them the Sovereignty, otherwayes *Fergus* had not been the first King. 3. When they thought of sending for *Fergus*, and of making him King, they were not acted as beasts, but went rationally to work, considering their present hazard from their adversaries, and the advantage they would have by setting such over themselves, and erecting a stablished policy. 4. After the constitution and erection of the Kingdome, they remained rational creatures, sensible of injuries done unto them, whether by their Kings or others, as after experience manifested. 5. Nor did their Kings, after their election, become Angels, or Creatures above their reach, but for male administration, oppression or tyranny, were made to know they were Men, as subject to erring and doing wrong, so to examination, tryal, and condigne punishment for their injuries done to the Commonwealth. 6. When they condescended upon *Monarchy*, though, as matters then stood, they saw it most for their advantage to have a King; yet none will say, but they might, notwithstanding of that exigent, have chosen an *Aristocracy* for a standing forme of government. 7. When they compacted themselves into a distinct body, and separated both from the *Picts* and from the *Britones*, they might, had they seen it for their advantage, either joyned with the *Picts* or *Britones*, and made one firme Commonwealth with them; or have divided themselves into two or more distinct Bodies, and distinct Republicks, as they had seen it convenient: No previous necessity, save that they sawv it for their only advantage to do as they did, constraining them to the one more then to the other. 8. When they made choise of a King, they might, if they had seen it good, prescribed the time how long that Government should have endured, whether until the death of *Fergus*, or how long there after. 9. When they made choise of *Fergus* who then was in *Irland*,

land, and sent for him, they might ( without any injury done to any man ) have chosen any other, they had thought most for their advantage; and before they made choise of him, He could challenge no power or authority, over them, nor could He be accounted their King; and when they made choise of him and made him their King, then, and not till then, was he their King. 10. It was in their power to have named *Fergus* without his successours by line, and so have reserved power to themselves, to choose of new another after his death: and though they did include his successours by line; yet their after practise declared, that they had liberty to choose the fittest of the family, when the nearest in the line, was not judged fit for government, which custome continued above a Thousand yeers, till the dayes of *Kenneth* the third: 11. And, when it afterward came to a lineal constant succession, The sone had no right but by the constitution condescended on, in the dayes of this *Kenneth*. 12. That in all these resolutions and constitutions they levelled at nothing, but their owne good and saifty, in body and soul, is beyond contradiction. And finally, their after practises did declare that they looked not upon themselves, as rendered incapable by all those forementioned resolutions, to defend themselves against manifest and unjust violence, even of the King and his followers; though this *Surveyer Pag. 78.* accounts these *nothing but the insurrection of Nobles against the Kings, and violent oppressions of such of them, as have been flagitious and tyrannous.* Yet they were cleare instances of the peoples reserving power to themselves, notwithstanding of the constitution, to defend their libertyes and lives, from oppression and tyranny of flagitious and tyrannous Kings, abusing their power, and subverting the ends of government, and destroying what they were bound to maintaine and defend.

## C A P. VI.

Of the Covenant betwixt King and  
People. Our Arguments hence  
deduced.

It is no great wonder to see this *Surveyer* labouring, to free the King from any covenant-obligation unto his Subjects; when he and his party have proclaimed him exempted from his Covenant-obligation unto God: and since they have put both consciences and wit upon the rack, to finde out some plausible grounds of evasion, that the King may be free from the Covenant, which he swore with hands lifted up to the Most High God oftener then once; with which, however they may satisfy such as love licentiousnesse, and to live above God's Law, as well as man's; yet God will not be so deceived, let men dream what they will; it should be no matter of astonishment to us, to see them using shifts whereby to bring the King from under any Covenant-tye unto his Subjects: But it might seem strange to us (if we knew not the Men) that when lawyers and politicians tell us, that the King, is absolutely bound unto his Subjects, and the People obliged unto the King conditionally, see *Hoenonius, disp. polit. 2.* and *Iunius Brutus vindicia contra Tyrannos quest. 3.* and *Althus. pol. c. 20. n. 3. 21. & ap. 38. n. 30.* They on the contrary should averre, that the people were absolutely bound unto the King, & the King not only not tyed conditionally, but not at all, unto the people.

But, from what was said in the preceeding chapter, it will clearly follow, That when a people do institute a Government, and do commit the Supream Management of affaires into one or moe, They do it upon certane tearmes and conditions, which conditions, politicians ordinarily call *fundamentall lawes*, others think that name not proper enough, but whether we call them so, or call them tearmes and conditions of the constitution or compact, it is all one thing. That



That there are certane tearmes and conditions on which the Sovereigne is chosen, is cleare from these grounds. 1. The man who is made Sovereigne by the People, can pretend no right to the Sovereignty, (as was shewed before) until he be named and chosen by the People. And this constituting of him Sovereigne, must be by compact and contract betwixt him and them; for such mutual relations, as are betwixt Prince and People, can arise from no other act then a compact, unlesse they say, it ariseth from a free donation; but then they must grant that the whole power cometh from the People, and was theirs before, and might be given out by them, or not, as they thought fit; for no law can constraine a man to give a gift: & further, if it was from them by free gift, the very nature and end of that Donation puts it beyond debate, that it was upon some valueable consideration, of which when frustrated, they might recal their donation; and so still it will be, a virtual compact. But now it being by a real compact and formal, either explicite or implicite, that this man and not that man is made Sovereigne, There must be some conditions on which this mutual compact standeth: for a compact cannot be vvithout conditions. 2. We shew that in this Act of constituting a Government ad Governours, the People acted rationally; and carryed themselves in this businesse, not as irrational brutes, but as rational men; and if so, how is it imaginable that they vvould set any over them vvith an illimited povver, vvithout any tearmes and conditions to be condescended unto by him? Would rational men, acting deliberately about a matter of such moment and consequence, not to themselves alone, but to their posterity in after ages, set a Sovereigne over them, vvithout any limitations, conditions, or restrictions; so as they might rob, spoile, plunder, murder, deflore, do acts of injustice and oppression, and act tyranny as they pleased? 3. We shew that in this matter; the People had certane, real, good and necessary Ends before them: now, can it enter into the heart of any man to think, that Rational men acting rationally, & laying downe wayes for attaineing good and necessary Ends, would

set



let a Prince over themselves, without any conditions or restrictions; since otherwise they could not rationally expect, that the meane which they had condescended upon, could ever attaine the End? For every one of them might saifly have judg'd of the Prince by themselves, and seeing they might have found in themselves, an inclination to domineer, to oppress and tyrannize over others, they might rationally have concluded that the Prince was, and would be but a Man of the same passions and infirmities with themselves, and so as ready, if not more, to deborde and to do wrong: & therefore unlesse they had made him Sovereigne upon tearmes and conditions, they could not have expected that their choosinge of him, could have been a meane fitted and accommodated for attaining the Ends proposed: A Sovereigne left at liberty to tyrannyze, to oppress and to destroy the Subject, is no fit meane to procure their welfare, either in soul or body, or to set forward the glory of God. 4. We shew that their condition after the constitution, was not to be worse then it was before the constitution. But if they had set up a Sovereigne without any conditions, their condition could not but be worse; and rational men could not but foresee that their condition would, of necessity, be worse; for, to set up a Sovereigne without conditions, is to set up a Tyrant: since if they do not limite him to termes and conditions, they give him leave to Rule as he listeth, and his will must be to them for a law; and what is that but to set up a Tyrant; and if a Tyrant be set up over a People, shall not their condition in that case, be worse then when they were at liberty to manage their owne matters, as they could best?

Moreover this may be cleared from other reasons, as 1. In all other relations, which arise from mutual consent, and compact, there are alwayes, tearmes & conditions on which the contract or compact is concluded: as in the contract betwixt Man and Wife, Master and Servant, Tutor & Pupil, Master & Scholer, & the like. Here alwayes are presupposed tearmes & conditions, on which the compact, the only fundation of these relations, is founded: for, no Man marryeth a wife, but upon condition, she carry as a dutyfull wife,

and no woman maryeth a Husband but upon the like tearmes. So a Master indenteth with his Servant, and his Servant bindeth himself to him, upon tearmes. The Tutor, is under obligations to his Pupil, and if he break such or such conditions, he loseth his benefite, and moreover is answerable as law wil. So is the Master obliged to performe such and such conditions unto his Scholer. So are there conditions betwixt the *Lord* and his *Vassals*, and betwixt *1 a* *lord* and *People*. 2. This will be cleare from the Nature of that power and authority, which the Sovereigne hath over the Subjects, of which afterward. 3. It is against Nature, to set up any Tyrant, or one who is free from all conditions; for, that were, upon the matter, to set up a Waster, an Enemy to the Commonwealth, a bloody Tyger or Lyon, to destroy all: see *Althus. Pol. c. 19. n. 33. 35. 36. 37.* 4. To imagine a King free of conditions unto his Subjects is to put them in among *bona fortune*: and to say, they are as the King's gold, his sheep, his oxen, his lands and revenues, unto which, he standeth no way obliged. 5. If a People should set a Sovereigne over them, without conditions, they should sin against the Law of God, which vwill have such and such duties performed by them, vvho are Sovereignes; and they, by setting up Sovereignes vvithout these limitations, should say, such and such shall be our Sovereignes, contrare to the limitations of God's Law. 6. This is confirmed by the practice of all Nations, where a free People set up Sovereignes: It is alwayes upon tearmes and conditions. The *Persians* (as *Xenophon lib. 8. Cyr. Pad.* tells us) did thus Covenante with *Cyrus*, that he should send aide to them, out of his owne Countrey, if any should warre against them, or violate their lawes; and they againe did promise, that they should helpe him, if any would not obey him, defending his Countrey; and therefore *Xenophon* calleth this contract or compact *συμμαχία*. So the *Spartan King* (as the same *Xenophon* tells us, *de Rep. Laced.*) did every Moneth Renew their oath unto the *Ephors*, & promised to governe them according to the lawes of the land, & the *Ephors* upon the other hand, promised to Establish the Kingdom in their hands. We reade of a compact betwixt *Romulus*, and the people

f Rome *Dionisf. Halicarn. Lib. 1.* betwixt the Senate & the *Cæsars Idem Lib. 2.* It is notoure enough that the *Emperour* when he is chosen, agrieth unto tearmes and conditions; and also the King of *Poland*: and historyes tells us, what conditions are made betwixt King and People, at the coronation of Kings in *England, France, Boheme, Spaine, Portugal, Sweden, Denmark, &c.* 7. The practice of our owne Kingdome, doth sufficiently confirme this, of which more, when we consider what this *Surveyer* sayeth to the contrary. Lawyers, Politicians & Divines tell us, that there are such conditions condescended on in all free Republicks. *Hoennius Disp. Pol. 2. Thes. 4.* tells us that the Subjects do stipulate from the Magistrates, whether they will rule so as they may lead a peaceable and quyet life under them, and *Thes. 5.* that the Magistrates do absolutely promise; and the Subjects upon condition promise what is their duty. So *Althusius Disp. 38. Polit. n. 31. and cap. 19. n. 15. 23. 29.* and *Timplerus Polit. Lib. 2. Cap. 1. Quest. 5.* proveth that there is a mutual obligation betwixt Magistrates and Subjects. See likewise *Erhard de Magistratu, Thes. 94. pag. 726.* Where he proveth that it is no new thing, That Magistrates and Subjects do Covenante with each other.

Finally, This is cleared, from some Scripture instances, as first The Covenant, which *David* made with the Tribes of *Israel*, 2 *Sam. 5. 3.* 1 *Chron. 11. 3.* So all the elders of *Israel* came to the King to *Hebron*, and King *David* made a league with them in *Hebron* before the Lord, and they anoynted *David* King over *Israel*. *Sanches* on the place thinketh, He promised to rule them according to the law *Deut. 17. 15.* and that some other things were contained in that Covenant, which did relate to the present state of affaires, as concerning the war with their near and insolent enemies, concerning an act of oblation, and other things which they could think upon, in that troublesome state of affaires: and upon the other hand the People promised fidelity and obedience. and what is required in well constituted Commonwealths; and that this Covenant was sealed by oath of both parties *Cornel. Cap:* calleth it a mutual promise, wherein *David* Covenante

anted to governe the Kingdome faithfully, according to the law of God *Deut. 17. 18. Ec. & Israel*, on the other hand, promised to be obedient and faithful to him: The *Surveyer* tryeth many shifts to make this, no mutual Covenant, or conditional Covenant *Pag. 94. 95.* He cannot deny but there was a Covenant here agreed upon, betwixt *David* and these Tribes of *Israel*. But he sayes [the Quæstion is, what was the nature, the matter and import of that Covenant, The Scripture sayes not it was such a Covenant (as these men would have it) I shall rule you rightly, if you obey me dutifully, otherwise not (upon the King's part) and (upon the peoples part) we shall obey you and be subject to you, if ye rule us rightly, otherwise we will not, but use our co-active power upon you, to dethrone, and destroy you, and punish you.] *Ans.* If it be granted that here was a mutual contract, wherein the King accepted of conditions and obliged himself thereunto, it is enough for our present purpose, (& the Dutch Annotators on *2 Sam. 5. 3.* say hereby they were bound on both sides by oath, to performe their duties to other) for we are not yet speaking of the nature and import of such Covenants, and what right or power the party keeping, hath over the party failing. 2- The Text doth not tell us what was the particular matter of this Covenant, but from the Text, we may clearly see, that this was a conditional Covenant, a Covenant wherein the King promised such and such things, as satisfied them, and induced them to accept of him as King, and anoynt him: so that if the tearmes had not pleased them, they would not have accepted of him as King, If the King had said, I will be an Absolute Prince to account you still mine Enemies, and kill such of you, as I will, and keep a live such of you as I will, and so play the Tyrant, be like he had got the answer that *Rehoboam* got *To your tents O Israel: What portion have we in David?* 3. How can he prove, That they did not minde to offer themselves to *David* upon such tearmes [They (sayes he *Pag. 95*) *recognose, his right of reigning over them is of the Lord, and that he was not subject to be removed by them, for they say The Lord sayd to thee, thou shalt feed my people*



people Israel, and thou shalt be Ruler over them, *and it is added Therefore they came, &c.*] *Ans:* 1. All this will not prove that this Covenant was not conditional, or that *David* did not oblige himself to such and such conditions; for if these reasons have any force, they will as well say, that they should not have made a Covenant with him at all, but submitted without Covenant: and they knew his right by promise to the throne, before this, and yet for all that, they refused to come till now, and now when they come, *David* must make a Covenant with them. 2. The same Tribes of *Israel* did recognise *Rehoboam's* right to reigne; for they came to *Shechem* to make him King, 1 *King.* 12. 1. 2 *Chron.* 10. v. 1. & yet when *Rehoboam* would not agree unto the termes proposed, They refused to acknowledg him King. 3. That 1 *Chron.* 11. 3. *Therefore came* is but the same with *So came*, 2 *Sam.* 5. 3. and it may be as well rendered, *also* or *and came*, for in the Original it is in both places <sup>וְכָל</sup> and it is there told, that *also* the *Elders* of *Israel* came, who were not mentioned before. 4. Gods promise to *David*, gave him no power to play the Tyrant, nor was it to be fulfilled but such a way, God's purposes concerning the End includeth the Meanes with the End, and his purpose or promise was not that *David* should obtaine the throne without the Peoples consent, or that the People was obliged to submit unto him notwithstanding he should refuse to Covenant with them, or promise to Rule them in righteousness, and not to play the Tyrant over them: and hence it appeareth that it is not false that the People gave the Kingdome to *David* conditionally (as he sayeth *Pag.* 101.) for, if He say these promises or purposes of God, did lay obligations on the People to accept Such upon any termes, he cannot condemne the Ten Tribes for accepting of *Ieroboam*, as he doth elsewhere! 5. As for their coactive superiority over him, we speake not of it now, it not being our present business, but sure his reasons will not validely conclude the contrair: for if such a promise or purpose of God, gave *David* such a right, as that in no case, suppose he had turned the greatest Tyrant imaginable, & had sold the Land of *Canaan* unto the Uncir-

cumcised, or done some such thing; the Elders of Israel had had no coercive power to have withstood him, and dethroned him, then they might not now have refused to have submitted unto him: And by the same reason, The elders of Israel might not have refused to have submitted to *Ierolam* who also had a promise, which I know he will not grant. But it is enough to our present purpose, if it be granted that *David* agreed with them upon tearmes. This he cannot get well denyed, but sayeth. [„All the Co-  
 „venant that can be supposed here, is upon the peoples part,  
 „an engagement to humble subjection and homage; & upon  
 „the Kings part, a Covenant of indemnity for former opposi-  
 „tions to him, wherein they had need to be comfortably se-  
 „cured.] *Ans.* If it was such a Covenant, then it secured all the People of Israel, and their Elders with them, and *David* was bound to have kepted it, and did keep it. He did not then execute thereafter some of them upon scaffolds, and set up their heads upon poles, as Traiteurs. 2. We finde nothing in the Text, of their acknowledging a crime done, so as they needed an act of indemnity: it is like *David* in a piece of holy policy, meet for that time, to gather together the scattered people of God, (to use the *Surveyer's* words, *Pag.* 94.) Would have been content to have passed an act of oblivion, as lesse irritateing, then an act of indemnity. 3. If they were now coming to be his Subjects who were not so before, but were under another King (as he sayes himself *Pag.* 94.) what necessity was there, either for an act of indemnity or yet an act of oblivion? Ay [„but it was fit  
 „, (sayes he *ibid*) to give them security, touching his good minde  
 „toward them, they having so long stood it out, in armes a-  
 „gainst him.] *Ans.* But was there no more requisite to secure them touching his good minde towards them, and his willingness to accept of them as subjects, who before were enemies, except this act of indemnity? Since they were in open hostility one against another, and if upon this ground, the Covenant on *David's* part was of indemnity, why should it not be also a Covenant of indemnity on their part; seing, as he confessed, they were not his subjects before, but under

er another King? But now, when they come to bee subjects who were not so before, and engage to humble subjection, and homage, must not David in this Covenant engage to something corresponding to this? we shall not repugne (*sayes he*) if it be called a Covenant both of protection, & right ruleing them.] *Ans.* That is all I am seeking, to have *David* here obliged by Covenant, unto his subjects, to such and such tearmes, as to Protect and Rule them a right. Ay but he adds [, Yet so, as not subjecting himself to their censures, or co-action, or that they should be his subjects only upon that condition, being otherwise free to fall upon him.] *Ans.* This is not to our present businesse. But yet how can he prove this? Is it enough to say so? Will his adversary take that for an answer? Is there not here a mutual Covenant, wherein each party is bound to other? Are not the tearmes condescended upon? And is it not granted by all, that in mutual Covenants, the observer hath a *ius* against the breakers? But sayes he [, a Covenant may be to mutual duties, & yet on neither side conditional, but absolute, each party obligeing themselves to their owne duty absolutely, but not on condition that the other party do their duty.] *Ans.* Then it seemes *Israel* was bound to *David*, whether he would be a King to them or not; Yea even though he would sell them to morrow to the Philistines for slaves and bond men forever, and *David* was bound to Protect and Rule them a right, whether they would be Subjects or not.

2. How can he prove that this was such a Covenant?

3. Yea, how can he prove that there is any such Covenant among men; or how can he explaine such a Covenant? [As if (*sayes he*) a man bind himself by oath, to give me one hundred pounds, & I bind my self againe by oath to him, to give him one hundred pounds, without conditional provision that he pay me the money he promised me; albeit he should fail in his oath, & not pay me; yet must not I fail in mine but must pay him: because my oath is separate from his & independent upon it, and hath a separate obligation absolute, which no faileing of the other party to me, can loose] *Ans.* It is true *manus manum fricat*, and if this *Sar-*

weyer give to one a hundereth pounds, He will know it is for an hundereth pounds againe, or something better: and I wish he should think himself as wel bound by his oath, to pay the thing, he promised to God absolutely, as he thinks he is bound to pay to man what he had promised absolutely. But to our businesse, what sort of mutual Covenants can those be, which he here speaketh of? We hear of Pactions or Covenants where there are promises without a stipulation, but of a Covenant or Paction betwixt two, concerning mutual duties to be performed by each to other, wherein there is no stipulation, or which is no conditional Covenant, I have not yet heard. 2. Where heare we that such a transa<sup>c</sup>tion (if it can have that name) wherein one person promiseth absolutely to another to give him such or such a summe of money; and that other person againe promiseth absolutely to give to the first another summe, is called a Covenant? 3. Lawyers tell us that even *Promissiones*, promises, if compleat and not mere Policitations, wil give *a jure* a right unto the person, to whom they are made to call for the performance, and sue the promiser at Law: And if this be granted (as it cannot be denyed) he will lose his cause: For when the question cometh betwixt the Magistrate and the Subjects, it is the same case, as when the question cometh betwixt two distinct Nations: For as there is not a Superiour Judge over both Nations to determine the controversy; so nor is there a Superiour ordinary Judge to decide the question that falleth out betwixt King and Subjects: And therefore, as the sword must determine it, in the one case, so in the other. 4. But how shall he evince that the Covenant, betwixt King & People is not a reciprocal contract of things to be done by each to other upon conditions? It is true, he tells us that subjection is not promised to Kings conditionally, but absolutely; but in so saying, he doth onely beg the question. A better Polititian then he, *Althusius Polit. c. 19. num. 6, 7.* calleth it a mutual compact betwixt Prince and People upon certaine conditions, and calleth it *Contractum mandati*, and he tells us, that in this contract the Prince is a *Mandatarius*, and his obligation preceedeth as the obligation of



of the *Mandatarius* and promiser, useth to do, and then followeth the obligation of the People *secundum naturam mandati*, whereby they promise obedience and fidelity to him governing the Commonwealth according to the conditions prescribed.

Another Scripture instance is *2 King. 11: v. 17.* *2 Chron. 23: v. 3. 16.* where *Iehojadah* made a Covenant betwixt the King and the People, which (as the English Annotators and the Dutch also on the place say) was a civil Covenant betwixt them, viz. That the King should governe then well, They should obey him in the Lord. *Peter Martyr*, also sayeth that [not only King and People covenanted with God; but the King also with the People; and the People with the King] and thereafter that [the King was bound to rule the People according to the Lawes, & equity, *Secundum Iura & Leges*, and the People promised to obey him.] [*Zanches* more fully tells us, there was a Covenant betwixt the King and the People, as uses to be betwixt the Prince and Commonwealths: The Prince undertaketh to defend the Kingdome, Lawes, Equity, and to be a keeper and defender of the Countrey, and of Religion: And upon the other hand, People promise obedience, and fidelity and such expenses, as are necessary for keeping up the Majesty of the Prince, &c.] Now what sayes our *Surveyer* to this? He tells us *Pag. 96.* That it was also made upon an extraordinary occasion; & extraordinaries cannot found ordinary rules] *Ans<sup>w</sup>.* How doth he prove that it was meerly upon the extraordinariness of the occasion that this Covenant was made? he might as well say that the crowning of him, & giving him the testimony, & making him King, and making a Covenant betwixt the Lord and the King, were extraordinary, and so could not found ordinary rules: yea and that it was extraordinary for the People to sweare allegiance unto him. But he hath two things remarkable to his purpose as [., 1. That he is crowned, & made King before the Covenant is made, which crosseth, the antimonarchists, who assert, the King cannot be made King, until he make the Covenant with the People, & that, he gets the crowne and royal authority covenant wise, and

conditionally] *Ans.* Antimonarchists properly so called, are against all Monarchs limited or absolute, or doth he account them all antimonarchists who say that the King is a limited Magistrate? then we know what to think of the Monarchists and Royalists, of him and his party. 2. He knoweth himself that the series or order of the relation of a complex businesse, is not alwayes just according to the series of the things done; but be it so, this maketh for us in the former instance of *David's* Covenanting with *Israel*, which is mentioned, before their making of him King. 3. But suppose the King had refused to enter into Covenant with the Lord, or with the People (for mention is made of both Covenants after his Coronation) might they not for all their solemnities in crowning of him, have refused to have owned him, as King? 4. But to put the matter beyond all debate, we finde, compareing the two places together, That beside the Covenant betwixt *Iehojadah*, and the Rulers of Hundereds &c. mentioned *2 King. 11. 4.* and *2 Chron. 23. 1.* which was rather a Covenant betwixt themselves, to depose *Athalia*, and to set up *josh*; to put down Idolatry, and to set up the true worships of God, (as the English annotations & the Dutch say) then a Covenant of fidelity or allegiance to the King, as he would have it, we finde *2 Chron. 23. 3.* a Covenant made betwixt the Congregation and the King, and this was, before he was crowned or made King, which Covenant (as the English annotators say) [was a mutual stipulation, betwixt the King, and Them, That the King should maintaine the true worships of God, the peace of the Kingdome, and privilege of the subjects; and that the People should maintaine the King, and yeeld unto him his due.] The next thing he sayeth is [That it is not told us, what the tenor of this covenant is, *Diodat* seems to say that, *Iehojadah* made them sweare allegiance and fidelity to the King but, how shall it be cleared that it was conditional, & with a reserve of coactive, & punitive power over him?] *Ans.* Of this coactive power over Kings, we are not now speaking, and he but playeth the fool to start such questions without ground. 2. That it was a conditional Covenant, the scope of

of the place cleareth: for, if they had not expected that their condition had been better under his reigne, then under *Athaliah*, belike they had never resolved to have ventured their lives, and estates for him: and if the Covenant had not been conditional, they could have had no rational expectation of the bettering of their condition from the young King. Againe, if it was not a conditional Covenant, The King could with no more certainty have expected their dutyful obedience, then They his faithful government. 3. It is true, the matter and tenor of the Covenant is not expressed; but the nature of the act, doth abundantly cleare what it was, and that it was such as the English annotators have expressed. 4. If *Diodat* say it was nothing else, but the Peoples swearing allegiance, he speaketh without ground, for it was a mutual Covenant, a Covenant betwixt King and People. But sayes he, suppose [all the Kings of Judah made such covenants with the People, yet will any judicious man force the Particular customes of that Nation on all Nations? that might be best for that Nation, that was not simply best; their customes without a law of God bearing a standing reason, cannot be obligatory on others, lest we judaize too much]

*Ans<sup>w</sup>.* 1. We are not now pressing their practice as our only warrant; but by their practice, we prove the lawfulnessse of the King's being brought under conditions, and obligations to the people; which Politicians Lawyers, and Divines use to do. 2. He must show why such a practice was best to them, & not also to other nations. 3. We judaize not more in this, then in crowning and making of Kings (though I grant they do, who use the ceremony of anoynting with oile.) 4. We have the Law of Nature, which is the law of God, bearing a standing reason of this, as was shewed above. 5. Yea that law of God mentioned *Deut. 17. 15.* &c. Limiting the Prince, sheweth that it was the Peoples duty (unto whom that is spoken) when they were to set a King over themselves, to provide for these conditions: so that as they might not *de jure* set a stranger over them, neither might they set any over them, who would not engage to keep the conditions vy which they were to require of him

v. 16. 17. 18. 19. and these Conditions of the King being held forth unto them, sayes that they were impowered to stipulate such of the King, whom they were to create: and that poynts forth a Covenant to be made betwixt them and their King, & power also in them to restrain the King from transgressing these conditions, as *Iosephus* tels *Ant. Lib. 4. cap. 14. Si autem fuerit alias &c.* i. e. [ „But if otherwise a desire of a „ King shall adhere unto you, let him be of your stock, let „ him make much of Justice and other vertues, and let him „ know that there is most wisdom in the lawes and in God: „ let him do nothing without the advice of the High priest, „ & Elders: neither let him assume to himself many wives, „ nor seek after abundance of riches nor horses; with the pleasure „ of which things, he may wax proud & despise the lawes; but lest he have an earnest study to be more mighty then „ is convenient for your profite, *Prohibeatur* (sayeth the copy „ at Paris) *obstandum est* (sayeth another) *ne potentior fiat quam „ rebus vestris expedit.* i. e. he is to be incapable or resisted in case he should do so. But then he tells us that the constant practice of the prophets and people of God speaks clearly that they never had such thoughts &c.] *Ans.* Though (as I said) it doth not concerne us to vindicate such a liberty in the People, as by vertue of this Covenant, to fall with violence on their Kings; our purpose being only to vindicate a liberty in the People to defend themselves against unjust violence; yet he doth but weakly maintaine the King's head by this; for he said himself just now, that none with Reason could force the particular customes of that Nation on other Nations; and with more reason it may be said, that none can force the Omissions or non-practices of that Nation, as binding to others. But 2. We know the Ten tribes rejected *Rehoboam* & we finde no Prophets ever condemning them in this, they never suggested that their obligation to subjection unto their Supream Magistrate or King, was absolute: had this been such a sin as he allegeth, no doubt (to use his owne words) God's Prophets would plainly and downright have told them of it, without circumlocutions; but this they never did. Either that was no sin, or the Prophets were not



not faithful in reproving it. Nowv let him ansvvere his ovvne argument if he can, and this he must do, or else confesse he is an advocate for the King, vvorth no vvages. 3. We finde that the Prophets vvere sent of God, to stirr up Subjects against their vvicked and tyrannous Kings: as a Prophet vvvas sent to anoynt *Iehu* to goe against his Master, *2 King. 9.* [When at first (*sayes he*) that people sought a King from *Sa-muel*, they resolved not to take him conditionally, *sibere regnaverit*, but vvith all the faults that might follovv him, &c.] *Ans.* It is very like that their importunity made them neglect their duty, in making any expresse Covenant, or in condescending upon expresse conditions; but he shall never prove that they did right in this; far lesse shall he make this example binding unto others; and least of all shall he hence conclude that there was not a tacite and virtual compact, and that *Saul* was under no tearmes. 2. Notwithstanding of what he sayes, we finde that the People did actually resist and oppose him, in rescueing *Jonathan*, and that *David* defended himself vvith armed men against him, and his fury, and unjust violence, and this is enoughe to our purpose.

As for these words *Eccles. 8. 2. I Counsel thee to keep the Kings commandement, and that in regard of the oath of God*, because they are variously rendered, and by some otherwayes then by us, as by *Iunius* (to which the dutch come near) *praeceptum Regis observa, sed pro ratione juramenti Dei.* i. e. Obey the Kings command, but according as your oath to God will permit, *Mercerus* rendereth them thus. *It is my paine to observe the Kings command and to have respect unto the oath of God, meum est observare praeceptum Regis, & rationem habere juramenti Dei.* We shall not much labour to presse this Covenant out of them: But if the *survejer*, will hold closse to our translation, and fish out from thence the oath of allegaince, we must then say that they will also, clearly suppose an oath of the King unto the People, by which he is bound to them, as wel as they are bound to him. He granteth that ordinarily among the people, there were not oathes of fidelity and obedience given to their Kings, and where ever we finde that

that the people swore an oath or Covenant to the King, there we finde that the King swore and Covenanted to them: and so the Covenant being mutual, he was bound unto conditions as well as they were, and They no more then He. And if Their choosēing and setting up of a King, did virtually include their engagement to him; so did His accepting of the place virtually lay bonds on him, to acquiesce unto the necessary conditions, & make him obliged to performe these necessary and indispenfable conditions, which is all we desire now.

We see some thing more explicite for this, *Judg. 11. ver. 2, 7, 8, 11, 12, 13.* Where there passed conditions betwixt *Iephthah* and the People: See *Althusf. Polit. Cap. 19. num. 20.*

Thus we have cleared 1. That lawful Magistrates are admitted to their Thrones conditionally, upon such and such tearmes. And from what we have said, it is also clear, 2. That the Prince accepting of the Crowne doth either explicitly or implicitly promise to fulfil these conditions; because the People have made choise of him as a fit meane to procure those Ends which they did designe: But if he should not be engaged to prosecute, so far as lyes in his power, those Ends, why did they make choise of him? Or how could they expect that he should prove a fit meane for these Ends? Or how can we think that People acting rationally, would be so far dementat as to choise a meane, which they had no more rational ground to expect, would prove a meane for attaining these necessary Ends; then the very bane of these good & necessary Ends which they proposed unto themselves. The Covenants, which we have now spoken of do cleare this also. 3. It is cleare likewise from what hath been said, That the Sovereigne, in these Compacts and Covenants with his People, is not only bound unto God, to performe what he hath promised, but also unto his Subjects: For 1. As was said, He still remaineth a sociable creature, and under the Lawes of God and Nature, and therefore is not above what transactions or compacts he maketh with any, whether equalls or inferiours. 2. If by vertue of these Compacts

acts he were not obliged unto his Subjects, neither should they be obliged unto him by these compacts, seeing in erecting the constitution, and condescending upon these termes, He and They are equal, according to that, *Contractus non valet nisi inter aequales*. 3. The People in setting up a King should not act rationally, if the King as King were not bound to stand to his conditions, and really obliged unto them. Could we imagine that Men in their wits, would Covenant with a Man, to make him King, on such and such termes, if after he were made King, he were no more obliged unto them, then if there had been no compact with him? 4. How could they think of attaineing those Ends, which they proposed, if he were not bound unto them, to performe these conditions, which they thought necessary to limite him unto for the better & more sure attaineing these Ends? 5. This compact or Covenant being mutual, concerning conditions to be mutually performed, sure, each party must be formally obliged to other. 6. If this be denied, it must be asserted, that a Sovereigne can do no wrong or injurie unto his Subjects, can borrow no money from them, can not be engaged by Covenant, Promise, or Bond unto them, which were most ridiculous, and a doctrine as much tending to the real destruction of Monarchs and Sovereignes, as any else: for if this hold good, Subjects might never think themselves secure: And moreover that ordinance, could never be an ordinance of God, seeing thereby People could never expect the least rational ground of security for their lives, and what they have.

But we need not stand on this, seeing our *Surveyer* perceiving well enough, what a groundlesse and irrational assertion this of the Royalists is, thinketh best to strick in with *Lex Rex* and grant Pag. 100. [That where a Covenant is made between a King and a People, the Covenant on the Kings part, binds him, not only to God, in relation to the People, as the object of this duty, but doth bind him to the People formally.] 4. It is also cleare and undeniable, that in Kingdomes which are commonly called hereditary, the Son is obliged to performe the same conditions which



which his father was obliged to performe) for as the law sayeth. *Conditionalis obligatio transit ad heredes L. si quis D. de Verborum obligatione.* Rational People, condescending rationally upon the constitution, did certainly pitch upon that way of conveyance of the Sovereignty, that might best secure them, as to their Ends, and if none had been obliged unto the conditions agreed upon, but the first in the line, they had not rationally secured these Ends. 5. It is no lesse cleare, That when the Sovereigne doth not performe the Principal, maine, and most Necessary Conditions condescended and agreed upon, *de jure* he falleth from his Sovereignty. This all will grant, as flowing natively from the nature of a compact: for, *qui non præstat officium promissum, cadit beneficio hæc lege dato.* He who doth not performe the conditions agreed upon, hath no right to the benefite granted upon condition of performance of these conditions. I do not here say that every breach, or violation doth degrade him *de jure*; but that a violation of all, or of the maine, most necessary, and principally intended conditions, doth. 6. Lawyers grant that every conditional promise giveth a right to the party to whom the promise is made, to pursue for the performance: and this is the nature of all Mutual compacts. And therefore by vertue of this mutual compact, the Subjects, have *jus* against the King, a Right in law to pursue him for performance. The worthy author of *Lex Rex* told us Pag. 97. [That even the Covenant between God and Man is so mutual I will be your God, and yee shall be my people, that if the people break the Covenant, God is loosed from his part of the Covenant, Zach. 11. 10. and 2 The Covenant giveth to the beleever a sort of action of law, and *jus quoddam* to plead with God in regard of his fidelity to stand to that Covenant, that bindeth him by reason of his fidelity, Esa. 43. 26. & 63 16. Dan 9. 4. 5.] and hence inferred [That farr more a Covenant giveth ground of a civil action or claime to a People, and the free Estates, against a King] But sayes the Surveyer Pag. 101 [It had been better said, That upon this ground they might humbly plead with him, supplicate and reason with him, as God's deputy bearing the impresse of his Sovereignty and Majesty on earth: But as God cannot otherwise be pleaded with, upon account of his promise (wherein he is bound not so much to us as to his owne fidelity, to evi-  
denc



dence it, reddit ille debita nulli debens) and cannot be pleaded with by force or violence: So his deputies on earth, on whom, under himself, he hath stamped inviolable Majesty, whatever they be, are not so be pleaded with by strong hand and force.] *Ans.* If he had shewed. 1. That Magistrates could not miscarry. 2. That Subjects had no hand in making these conditions in the Covenant betwixt Them and the King. 3. Nor any hand in setting up the King and conferring that benefite upon him, on such and such conditions, then his inference had had some colour: but now hath it none. 2. Inferiour Magistrates are God's deputies as wel as the Superiour, and yet we finde no impresse of Majesty or Sovereignty on them, but they may be opposed vwhen doing injury. 3. This is a large assertion, vvhich I much doubt if any Royalist vwill defend That the Supream Magistrats vwhatever they be, can in no case be pleaded vwith by strong hand and force. Sure we heard *Cap. 2.* some concessions smelling otherwise. 4. Himself vwill grant that notwithstanding of all his Majesty and Sovereignty, a forraigne Prince may resist him by force, and plead his right vwith a strong hand, how doth he then save his Majesty inviolable? [*But* (sayes he *Page 102.*) *who will judge it more reason, that these who are plaintifes, shall be judges of the party they compleane of, more then the party or Prince, judge to them? Is not this a perversion of all judgment, that in one and the same body politick, the accuser and judge shall be co incident, in the same person or persons.*] *Ans.* This makes as much against the King, as against us; for by this reason the King hath no i<sup>us</sup> over the People, more then they over him, and can no more plead his cause, then they can: for himself cannot be judge and plaintife both: and if this be the perversion of all judgment, we have seen enough of it, vwhere the King hath been both judge and party pursuer by his advocate. But let him ansyver this himself, and he vwill help us to ansyvere also. Again he sayeth in that same Page? [*Though it be true, that all Covenants and contracts amengs men, embodied in a society, brings each of the contractors under a law c<sup>o</sup> a<sup>i</sup>me, in case of failing (coram iudice proprio) before his owne and competent judge: yet it is not true, That any contract, betwixt man*

and man, in one and the same society, giveth the party keeping contract, co-active power over the party breaking.] *Ans.* He is but a ravy lawyer that sayes so, for if one Man set a piece of land to another, for so many yeers, for so much yeerly, and the other be bound at the expiring of these yeers, to remove wvithout procelle of lavv, The party setter hath by contract a coactive povver, and may use *Major vis* and thrust him out wvith the broad svword, without further action of lavv. But (sayes he Pag. 103.) [*There is no judge over all Magistrates, nor the Supream Magistrate, before whom a complaineing people can plead wrong done to them. This complainte lyeth before God only to take order with it.*] *Ans.* When *Arnisæus* objected that, The worthy and Learned author of *Lex Rex* answered, [*That the consequence was not necessary, no more then when the King of Judah and the King of Israel make a Covenant to performe mutual duties one to another, it is necessary there should be a King and superiour Ruler above both, who should compell each one to do a duty to his fellow: King and People are each of them above and below others, in diverse respects.*] But in cometh this Surveyer Pag. 100. and tells us, there is a great difference [*God having allowed lawful wars, allows seeking of reparation, or repelling of wrongs done by one Nation to another, by force of the sword, when no rational meanes can bring the doers of the wrong to do right, and there being no other remedy, ke himself, the Lord of hostes, and God of armies, sits judge and moderator in that great businesse, and, in the use of war, is appealed to as judge, there being no common judge on earth to sit on the causes of these independent Nations. But God having set and established in one particular Nation and political society, his owne ordinance of Magistracy, to whichevery soul must be subject, and all subject to the Supreme. &c.*] *Ans.* This sayes wel when the difference or disput is between two subjects, both under one Magistrate; but it sayes nothing to our case, where the difference is betwixt the Magistrate and the Subjects: for in the other case there is a judge over both established, unto whom both are subjects, but in our case there is no judge on earth Common to both, or who can sit and judge in such causes: for the King must here be no more both judge and party then the People. and so the case is irremediable unlesse there be an allowance

allowance of repelling force with force : for in our case there are no rational meanes which can be used to bring the Prince to do right unto the injured Subjects : and therefore if God allow war, in the use of which, he is appealed to as Judge, betwixt two Nations, he wil allow also a necessary defensive warre in Subjects against their Sovereigne when there is no other remedy, or rationall meanes of redresse. This Man dictats but what proveth he? [*The Magistrates are by their official power, above the whole Nation, and as absurd it is to say they are above the powers, which God hath set over them (as L. R. pag. 460. sayeth thraasonically he hath proved unanswerably) as to say that every parish is above the Minister, in an ecclesiastical way, though he hath official power over them all, or that every Lord in Scotland hath their Tennants and vassalls above them, a thing which the nobles of Scotland had need to look to; for certainly the principles which lead to Subject Kings to People, lead clearly and by undoubted consequence, to Subject them to their vassalls, and to all under them, yea and all Masters to servants, and parents to children, and to confound and invert the order of all humane societies.*] *Ans.*

1. The law will tell us That in mutual compacts the party observer is *Eatenus* in so far, superiour unto the party who saileth. 2. The author of *Lex Rex* sayeth truely and not Thraasonically (as this Thrafo, and windy man, allaigeth, who would make the world beleève that his one word is enough to confute all which that learned author hath solidly proved with such reasons that he thought (with the little wit he hath) it was more wisdom to forbear once to name when to offer to answer) that he hath proved unanswerably (if not, let this windy *Thrafo* try his hand in confuteing his reasons) the Peoples power above the King. 3. This man's reasons are as weak as water. For 1. the Paroche is so above the Minister, that, in case he teach hæresey, & here be no ecclesiastick or civil power to put him away, they may save their owne soulls, thrust him out, and choose nother more Orthodox. 2. All know that the Lord is bound to the Vassalls, as well as they are to him, and that the Lord may not oppresse them, or if he transgresse the bounds and limites prescribed him, they will get action of law,



yea in some cases be free to renunce him as their Supream, and choose another. Let the nobles take heed they drink not in this Man's doctrine: for if they arrogate to themselves a power to oppresse, pillage, plunder, murder, Massacre, their vassals, (as this man pleads for such a power to the King, without control) I fear their vassals let them know they are not slaves. 3. What a poor Politician is this? He speaks this, to move them so much the more to owne the King's cause, but who seeth not, that he is either a false or a foolish advocat for the King in this matter, for if the King get no moe on his side but the Superiour Lords, & if all the Vassalls and Tennants be against him, he will have the weaker party by farre, on his side. 4. I would desire Nobles & all to take notice of this, that he would here seem to give to the King, as much power over them and all the land, as Masters have over their Tennants, who have their lands only from them upon certaine conditions, and may be removed when these conditions are broken. 5. What a fool is he to put Tennants and Vassals together? doth he not know that Lords have more power over their Proper Tennants, then over their Vassals? 6. Doth he think that Servants may not in some cases be above their Masters; a noble man's son may be an apprentice to a very meane man; But thinks he that Servants will get no action of law against their Masters, or if there be no law or judge, over him and his Master, he may not defend himself, against his Master's unjust violence? 7. As for the subjection of parents to Children it is impertinent in this case, as shall be shewed in due time, and yet we know that the father hath been a subject, and the son a King over him, and we know also that, in case of necessity, the children may defend themselves against their father taken with a mad phrenzy. Then he adds [;, This truth we must cleave to, that in one and the same civil society, where God hath appoynted Rulers and Ruled, Subjects cannot without sacrilegious intrusion, and contempt of God, snatch the sword out of the Magistrates hands to punish him with it (though in some parts he abuse it) neither can a war intended for this end by  
,, meet



, meer, private persones, be lawfull against their head or  
heads.] *Ans<sup>w</sup>.* We may let him cleave to this truth, and  
his truth cleave to him, and be no losers: for we speak not of  
Subjects taking the sword of justice to punish the King;  
we speak of no warre raised by the subjects for this end: we  
plead only for a power in private Subjects to defend them-  
selves, in cases of necessity, against their head or heads,  
and he, nor none of his party, have the forehead to deny  
(this to be lawful in some cases) especially if the Magistrate  
abuse his power, not in some particulars only, but in many,  
and in many maine particulars, if not in all.

Having thus cleared and vindicated the 6. thing. The  
7. And last is this, which followeth also from the former: viz.  
That when the Prince doth violate his compact, as to all its  
conditions, or as to it's cheef, maine, and most necessary  
condition, the Subjects are *de iure* free from subjection to  
him, and at liberty to make choise of another. The very  
nature of a compact doth cleare this: For it is absurd to say,  
that in a mutual conditional compact, one party shall still  
be bound to performe his conditions, though the other  
performeth none of his conditions, or performeth not the  
maine and principal one. It is absurd to say, that when one  
hath given a benefite upon a certaine condition, that he is still  
bound to bestow that benefite, though the condition on  
which he promised it, be no way performed: Were it the ra-  
tional act of rational creatures to set up Soveraignes upon these  
tearmes? or to say, wee choose thee, to be our Soveraigne  
upon condition thou rule us according to justice and equity,  
and not tyrannize over us, and yet we shall alwayes hold thee  
for our Prince and lawful Soveraigne, Though thou should  
transgresse all lawes of equity, humanity, and reason; and  
deal with us as so many sheep, kill whom thou wilt, for  
thy sport and lust, &c. will any body think that rational  
men would do so? The law tells us *L. si fund. c. de partib.*, &c.  
That *cessante causa, propter quam res est data, pignus debet  
reddi.*

Before we come to draw our arguments from what is  
said, we shall first roll out of our way what this *Surveyer*

speaks further against these Covenants, Pag. 88, 89, 90, 91, 92, & 93. He hath five particulars which he toucheth on.

The first is this, [ *It is easily conceded (sayes he) that there is a mutual obligation betwixt Magistrates and Subjects, to mutual duties, which is indeed essential to the constitution of the politike body; but this obligation ariseth not from any tacite or expresse Covenant betwixt them, but from the ordinance and will of God, enjoying them these duties in these relations, in that society, wherein they are combined.* ] Answ. 1. *Subordinata non pugnant*. This mutual obligation may arise both from the Law of God, and from the Covenant, without any repugnancy. 2. If this obligation arise only from the Law of God, neither parties shall be formally obliged unto other, but both obliged only unto God; and yet we heard himself say Pag. 100. that „ [ Where a Covenant is made betwixt a King and a People, „ that the Covenant on the King's part, binds him not only „ unto God, in relation to the People as the object of the „ duty, but doth bind him to the People formally. ] Now, whence ariseth this formal obligation, if not from the Covenant? 3. By this meanes the obligations of fidelity in the subjects unto their Princes, have no rise from their oath of allegiance, which he elsewhere calleth *Fædus unilaterum*. 4. To what purpose then are Covenants and compacts made, If by vertue of these, each party be not formally obliged unto other? For if *David's* Covenant with the People of *Israel* laid no obligation upon him, he could not be said to have made a Covenant with them, more then with the *Philistines*, and yet the Scripture tells us, he made a Covenant with *Israel*: And King *Ioash* made a Covenant with the People. 5. I do not well understand, how an obligation to future duties can be called essential to a constitution, which neither floweth from the constitution, nor giveth a being to the constitution. 6. Againe, if there be no obligation unto these mutual duties, until there be a constitution by compact, and if then the obligation be essential, how is it imaginable that the obligation shall have no subordinat rise from the

constitution, or compact whereupon the constitution is founded?

The 2. thing he sayeth, is, That though this obligation be mutual, yet is it not conditional, and how proves he this? [*There is (sayes he) a mutual obligation so mutual duties betwixt Parents and Children, but it is not conditional, that if Parents be undutifull, Children shall be loosed from their duty, or on the contrary.*] So is it (sayes he) betwixt King and People, and then citeth *Calvin. Inst. Lib. 4. Cap. 20. §. 29.* But it is easily answered, That there is a vast disparity betwixt the rise of that relation, which is betwixt King and People, and that which is betwixt Father and Son: And this being once discovered the parity disappeareth: And 1. Subjects come not out of the loyns of their King, as Children do out of the loines of their Fathers. 2. The Son createth not the Father as the Subjects create the King. 3. Yea Children do not so much as give their consent that such an one shall be their Father, before the relation have a being, yet Royalists will grant this much, unto the People, in relation to their King. 4. The relation betwixt Father and Son hath no dependance lesse or more upon any act of will in the Son, or upon any Covenants, Agriements or Compact, expresse or tacite, betwixt the Father & the Son, it is not so as to the relation betwixt King and People; for before this mutual relation arise, there must be a constitution, and this constitution includeth, at least, some act of the will in subjects, some previous consent. 5. This relation can never cease, so long as both are in life, but the other may, by a Subject's choosinge to live under another Sovereigne. 6. Let the Father do what he wil, the relation betwixt him and his Son shall never be loosed or weakened. But the greatest Royalists will grant, that in some cases, the King may be made no King, and his relation either wholly taken away, or much diminished. So then the consequence is null, that because Children are not bound to their Parents conditionally; therefore Subjects are not bound conditionally to there Prince: For Children have no hand in making up that relation, betwixt Parents and them; their consent is not so

much as required ; but in making up the relation betwixt King and Subjects , there is a previous compact required , in which compact , the People have their great share : Children give not paternity unto their Parents ; but Subjects give the Kingship , at least instrumentally , under God ; and they set up Kings , when they might set up Nobles , and set up his Man , when they might have set up Another , can Children do so ? How then shall the case be alike , And the one be no more conditional then the other ? Next , as for *Calvin* we willingly with him grant , that Subjects are to obey evill Magistrates , and to do their duty to them , though the Magistrates should come short of theirs , as Wives , & Children are bound to love and be Subject unto undutiful Husbands and Fathers . But *Calvin* will not say , that in no case a Wife is loosed from Subjection to her Husband : adultery and wilful desertion will give ground for a divorce , and that sayes that the Wives subjection is not absolute , but conditional ; though we say not , that every breach of some of the conditions , looseth the obligation . Neither will *Calvin* say : That in no case , the Sovereigne may be opposed or resisted : Or , that in no case the obligation can be loosed ; for *ibid.* §. 31. He granteth liberty to the Estates of a Land ( whom yet our *Surveyer* putteth in one category with private Subjects , ) to stand for the libertyes of the People against the rage and Tyranny of Princes , Yea he sayeth they are bound to do so , as they would not perfidiously , betray their trust .

The 3. thing is , that [ *the fancy of a tacite virtual natural Covenant betwixt King and People , overthrowes the distinction that all sound protestant Divines and Politicians make , betwixt a limited or pactional Prince and an absolute Prince , or one who is intergræ Majestatis .* ] And then he citeth *Rivet.* in *Psal.* 68. *Gerhard de Magistratu*, Pag. 1311. *mihi* ( or 935. ) And therein , he sayes , they agree with *Calvin* in the place cited. *Ans.* That there are absolute Princes *de facto* , who come to the Sovereignty by false and corrupt meanes , or by conquest , we deny not , but we are speaking of Princes *de iure* , and of Princes set up by the People , which is only to our purpose



pose. It is true, *River* ( a very short sum of all the sound Protestant Divines, though he joyne *Cerhard* with him too, who is but *Lutherian* Protestant, and for his Politicians we see none) make use of such a distinction, but assert not positively that such an absolute Prince is lawful. *Calvin* maketh use of no such distinction, and if they agree with him, they say no more then he sayeth, and what he sayd, we have heard. But sayes our *Surveyer* it is [*False to say that an absolute Prince is contrary to the Word of God: for as our Lawes allows our Kings to be absolute, in expresse tearmes* Jam. 1. ( he should say Jam. 6. ) Parl. 18. Anno 1606.] *Answ.* Our Lawes and especially of that Parliament, and the like, are evil proofs of what is *Iure Divino*, or not contrary thereunto. But of that Supremacy granted to the King, by that act and others, the *Apology* hath spoken enough. Further he addeth, [*So the Scripture is not against an absolute Prince, as our Lawes and we understand him?*] But how is that? May he Rule as he lists? No, for [*He is subordinate* ( sayes he ) *unto God and his Lawes, and he ought also to walke according to the particular good Lawes he hath made with consent of his People.*] This is more then other Royalists would grant to us, for he acknowledgeth him not only not above the Law of God, but also not above the municipal Lawes, and consequently not above the fundamental conditions of the constitution: And we are sure in this, This King hath fowlely broken, whatever he doubt of. But how is he absolute? [*He is absolute* ( sayes he ) *that if he deviate he is not under co-active power of Subjects, that they should have Law- claime against him, and in their courts of nature and necessity, pronounce judgement upon him, to destroy him, far lesse that by vertue of this supposed tacite Covenant, any minor private party of the People, may pull King and all Magistrats out of their seate, punish them, and possesse themselves in their roomes, as Naph-tali sayes*] *Answ.* What he layeth to *Naph-tali's* charge shall be considered afterward. 2. To say that Subjects have no law claime against a King, who breaketh the maine and principal condition, or all the conditions of the Covenant made betwixt Him and the People, is to destroy the nature of the mutual compact, made between Him and the People as we

have shewed. 3. By this it seemeth all the absolutenesse that he sayes is due to the King, is, that he is from under the co-active power of Subjects, but though this were granted to him, (which yet we cannot, because of what we have said already) we should suffer no losse as to our intendment: for if this be all his absolutenesse, then he may be withstood, and resisted (though not brought to the barr) even by private subjects, when he contraveeneth his principal conditions, and breaketh Covenant unto his people: and this is all we contend for.

The summe of what he sayes in the 4 place, is this [*Where there is freedome of Election (as in Germany and Poland, where there is but personated and painted Kings) there may possibly be expresse limiteing conditions allowing some to coerce deviating sovereignty. But in all proper Monarchies, there is neither tacite nor expresse Covenants impowering any to be judges over the King. Some Kingdomes are attained by a conquest in a just warre (which is a sufficient title) & this power being hereditarily transmitted, the successors receive power from the Parents and not from the People, nor is there any shadow of tacite or expresse Covenant in this matter.*] *Ans. I.* If he be not well pleased with what *Lex Rex* hath said, concerning conquest giving a sufficient title to crownes, he should have considered and answered the arguments there made use of, and not jejunely have told us he is of another judgment; for they are either fooles, or mad who will beleieve his bare word, better then the worthy author of *Lex Rex* his assertions baked & confirmed with many solid & unanswerable arguments, 2. This though true, speaks nothing to our purpose: for we supposed alwayes that our Kingdome was not founded upon a conquest, and we never heard any say it was, till this unnatural abject arose to speak non sense, of which more presently: We never heard a King challenge it upon that account, nay, nor say that our Kingdome was ever conquered by any of their predecessours, except King *James*, who in his *basilicon doron*, allaiged that *Fergus* the first, was a conquerour, contrare to the testimony, of all approveu historio-graphers: what meaneth the large long roll of the King's predecessours, that is read over at the coronation; doth

doth any of our lawes speak ſuch a thing? or do they found his absolute power upon ſuch a dreame? It would ſeem the cauſe is deſperate and gone, when he can get no other bot-tome to his abſoluteneſſe, but a fiction of his diſtempered braine, which may deſervedly make him odious to all true ſcottish men, and may (and poſſibly will) make his cauſe odious alſo, to all who are acquainted with the true, genuine and ancient conſtitution of the Kingdome. 3. This ravy Statist exſcreats his raw notions, as he pleaſeth, but they muſt be rude and unſkilful in this matter, that will think to digeſt them. He tell's us that the *Emperour of Germany and the King of Poland* are but painted Kings, and Monarchs, and to confirme this, tels us that, there are no Monarches, or proper princes, but ſuch as are absolute: What will then become of the Diſtinction, of all ſound proteſtant divines and polititians, which he mentioned in the preceeding page? Do they think that all the limited and paſſional princes, are but cyphers, or as painted men are men, ſo are they but painted princes? Sure none of the divines he named take ſuch princes for no true princes. 4. If in proper Monarchies, there be ſuch Covenants and compacts tacite or expreſſe, which will give a law claime unto the Subjects againſt the King, and a *ius* againſt him, as a formal tranſgreſſour of his Covenant made with them, and liberate them from ſubjection to him, we could have enough for our buſineſſe, though it ſhould be granted, that there is no Covenant im-powering others to be his judges. Though it ſhould be granted ( which ſome politicians Doubt of ) that in King-domes purchaſed by conqueſt, the power hæreditarily tranſ-mitted, ſhould be received from the parent, and not from the people; yet in Kingdomes founded upon a lawful and free conſtitution, the ſucceſſour, ( as we ſhewed above ) hath his power not from his predeceſſour, but from the conſtitution, or the people condeſcending upon the con-ſtitution,

But he thinks to obviate all this by what he ſayes in the 5 place viz. That our Kingdome is not founded on any ſuch Covenant, but rather on a conqueſt, of which he giveth



giveth five remarkable instances. The first is, That *Fergus the first*, was not admitted upon conditions, but the Subjects, by their oath confirmed the Kingdome to him, and his posterity: and that the black book of *pasley* sayes, *Fergus made himself King*. Answ. 1. What that black book of *pasley* (which neither he nor I ever saw) sayeth, is not worth the inquiry to search, Seing all other historians, such as *Iohn Fordon*, *Iohn Major*, *Boëthius*, *Hollanshade*, beside *Buchanan*, say, that he was freely chosen by the People. And the story tells us, that he was then in *Irland*, when the *Scots* sent for him, how could he then make himself King? 2. If he had been a conquerour, he might have transmittted the Kingdom unto his sone, without the consent of the People, and yet we see this was not done; yea we finde that the People would suffer none of his sones to enjoy the place after him, because unfit for government, but made choise of a third person: and when his eldest son did afterward challenge the Kingdome as his owne, he was made to understand himself better. 3. It is true *Buchanan* mentioneth no oath of the King, but that will not say, that there was no compact betwixt Him and the People, There might be conditions communed and condescended upon, though the King was not put to sweare them. But however, that there was an implicite and tacite Covenant, at least, betwixt them, Is cleare from the oath of the People confirming the Kingdome unto him; for it sayes that all the right he had unto the Kingdome, was from the People, and that he could not be secured in it but by them, and seing they gave him the Kingdome, and did secure him in it, Nature and Reason will say, that it was upon good tearmes, particularly, that he and his should not tyrannize over them, but should rule them aright: and though there be no written contract concerning this, extant, yet their constant after-practise doth abundantly cleare it; for, though they confirmed the Kingdome by oath to him, and his posterity, yet their choosseing of *Feritharis* his brother, passing by both his sones, sayes, that this condition was tacitely understood, viz. provideing that they, should be able for government and to discharge the place, and accordingly they



they did then establish it, in a standing law for time to come: and after this manner, and according to these tearmes did choose their Kings until *Kennethus* the third, by force or fraud, obtained a change. So their taking course with such of their Kings, as did tyrannize, sayeth, that this was another condition of the compact, viz. That they should not tyrannize, but governe righteously: Thus we see these after practices are cleare standing commentaries, sufficiently explaining the nature and maine conditions of that compact.

His 2 instances: is of *Fergus* the second, the 40 King. [*who by his valour, under the conduct of divine providences, & by the help of Danes and others, with some small remainder of Scots, recovered the Kingdome and was not beholden to the People for it, nor had it by paction with them.*] *Answ.* *Enchanan* tells us, that he was called home *ad regnum avitum suscipiendum*, to take upon him the Kingdome which belonged to him, according to the ancient constitution, as being of the family of *Fergus*, and then giving proof of his provvesse, and ability for government, and accordingly being then in *Scandia* or *Norway* took the offer, and came home, accompanied with the banished *Scots*, and some *Danes*: and after he came home, after the wonted custome, *more patrio*, he was created King by a Parliament; for, *comitiis peractis*, the Parliament being ended, he falleth about his work, and at length freeth the Kingdome of its adversaries: Now, how can he be accounted a conquerour, obtaineing his right to the crowne by conquest, who had it by a faire, free, and full call of the People, who might have chosen any other of that race, that had been remaineing, and qualified for their purpose? This is strange doctrine, to say, that every Prince who cometh to his Kingdome, by the free consent of his People, in a troublesome time, because that through their help and concurrence, he freeth the land of Enemies, and restoreth peace to the inhabitants, is a conquerour, and hath no right to the Crowne, but by his sword. He will not say that every conquest will give a just title, but a lawfull conquest, now what right had *Fergus* to conquere these adversaries?

What.

What title or claime could he lay to that crowne from whence he and his forebears were banished or constrained to flee, if not by the ancient grant made by the People unto *Fergus* the first and to his race? So then, his right was not obtained by the sword, but only the peaceable possession thereof, and the practice of the people afterward when his son *Constantinus* came to reigne, and turned vitious, declared whether they looked upon this *Fergus* the second, as a Conquerour, and upon what tearmes he and his successours had the crowne: for because of his vitiousnesse, and refusing to amend his manners, when admonished by the Nobles, they were almost at waging war against him, and of revolting from him, had not *Dougall* of *Galloway* dissuaded them.

His 3 instance is *Kenneth* the first the 50 King (He should have said *Kenneth* the 2 the 69 King, for *Kenneth* the first died within a year after he was made King.) [*Who destroyed the picts, and enlaired his Kingdom by the accession of theirs, purchasing more and better lands, then he had before, which he distributed to his Subjects, he held not his purchased Kingdome of them by contract or paction*] *Ans.* What right a Prince hath unto lands, which he purchaseth by conquest or war, is not the matter of our disput, but what right *Kenneth* had to the crowne. Now, sure it is that before this conquest made, he was crowned, upon the same ground, that his predecessours were: his future conquest, then uncertaine, could not alter the ground of his receiving of the crowne, when his father *Alpin* died. 2. What ever superiority, he might challenge over these Subjects unto whom he gave these new conquest lands, it had no influence upon his holding of the crowne: and that his very next successour and brother *Donald* knew, who being given to his pleasures, lost a noble victory which they had obtained over the Englishes, and after he returned from captivity, following his old life, was cast in prison by his owne Subjects. And his Son knew it also, for he was put by the crowne conforme to the old law, until this *Donald* died. So that notwithstanding of all this new purchase, the people knew that the conveyance of the crowne did

did still run in the old channel, and was held of them after the old tenor.

His 4. Instance is of *Robert Bruce*, whom our Lawes of *Regiam Majestatem* call *Conquestor Magnus*, [ *He re-conquered the Kingdom after the Nobility of Scotland had first at Berwick, then at S. Andrewes, in plaine Parliament, sworne homage to the King of England, who will assert there were pactions betwixt him and the People?* ] *Ans.* We know out of History, what a miserable condition the Land was brought unto, through occasion of that division and sad disput that was in it, concerning the nearest in the line: and this was the bitter frute, that *Scotland* reaped of the change of that laudable custome established near the beginning of the constitution; whereas had not that been changed in the dayes of *Kenneth* the third, the fittest person to governe might have been chosen, and that had prevented all this confusion and misery, which the Land was brought unto. 2. Though *Bruce* at length recovered the Kingdome, yet he received not his crowne upon that account, but before he attempted it's recovery, out of the hands of the Englishes, he was crowned King at *Scone*, in Aprile 1036. and there received the Kingdom from the Scots, upon the old account, and according to the old tenor. 3. Though he be tearmed a *great conquerour*, as having recovered the Land, out of the hands of the Englishes, as if it had been a conquest, when as it was really, but a recovering of what, he was bound by his place and power, to recover; yet we never finde that he claimed a right to the Land, upon that ground of conquest, but stood upon the old basis.

His fift & last instance is of this King, „[ It is known (sayes he) our Nation was totally subdued by the English, and continued so, for the space of ten yeers, The Representatives of Shires, and Cities, and Townes combined into a Commonwealth government, and sent their commissioners to the meeting thereof at *London*, where the King's interest was disclaimed; yet in a wonderful way God brought him in againe, and finding us at his coming, a fully conquered and subdued nation, restored us to our freedome, „from

, from the bondage of forraigners.] *Ans.* 1. Through too great haste, he hath forgotten a maine particular of this Instance. Before we were totally subdued by the Englishes, the King was crowned at *Stone* in as solemne a manner, as ever any of his Predecessours, except that he was not anoynted with holy Oyle, nor gote the Pop's benediction; and while crowned, was solemnly engaged to the People by Covenants, vowes and oathes, to defend Religion according to the National Covenant, and Solemne League and Covenant, and to prosecute the ends of these Covenants, and upon these conditions took his Crowne and Scepter: Were we a conquest then? 2. Ay but we were conquered afterward, and our Representatives disclaimed the King's interest. But how many were there of these Representatives? And had these Representatives power & commission from the Land, to renunce his Interest? Or were these all accounted Enemies to the King? How is it then, that so many of them are now accounted his most loyal Subjects, and more loyal then such as suffered much, because they would not take that *Tender*, disclaming his interest? how comes it, that that Arch-knave *Sharp* (sufficiently now knowne by that name and notion both to King, Court and Countrey) who was the only Minister (so far as I know) in all Scotland, that took that tender, is advanced unto (in stead of a gallows) an arch-prelacy, and primacy? But 3. when the King returned, did he make a re-conquest of us? what meant then that compact betwixt *Monck* and the Nobles and others of Scotland, whom he sent for, unto the borders, and to the end he might more closely carry his businesse, made them all to abjure *Charles Stewart* and his interest (a sad presage of what would be our Epidemick distemper, when our change or turne begane with manifest perjury) did he not acquainte them with his designe? and had he not their concurrence? and if he had wanted this, and had thought that *Scotland* would have been an adversary unto his designe, would he, or durst he have attempted it? 4. What way did the King restore us seing (if he would speak the matter as it was, it was *Monck*, that restored him and us both, as to any restoration



ration we got: vvere not vve and he restored together? What did he for our restauration? vvas He not as passive as we were and some what more? 5. Hence then it is false that he found us at his coming a fully-conquered and subdued nation. He rather left us so, as found us so, for we were restored, to what we got *pari passu*, vvith himself. 6. It is true at his coming (though not by him) vve vvere freed from the bondage of forraigners, but as for the freedome we vvere restored unto, vve are yet ignorant of it, and see and feel heavier bondage both as to Church and State, then vve did under strangers or forraigners. But he addeth. [*If any will say, That it was upon his account the Nation was brought to the suffering of that bondage; and that there did lye bands upon him, as our sworne King to free us, when he should be in capacity to do it. It may be answered.* 1. *It is knowne that when the fatal stroke that sunk us into bondage was given, there was an expresse disowneing of his right, by publick judicatories of the land, in the quarrel with the English Sectaries, before Dumbarton.*] *Answ.* He should first have removed this objection, It was upon the Kings account that the English army did invade us: had we forborne to have sent commissioners to have called Him home, The *Englishes* would never have invaded us: for that was their only quarrel; Because we had taken the Head of the Malignant faction Into our bosome: and so, had we for-borne to have owned his quarrel, we had neither been invaded, nor subdued by them, and there had not been so much of our blood shed, as there was. And is this all the thanks that now we get for our vast expence of blood, oppression, and Ten years bondage, that we must be declared a conquest and a subdued Nation? 2. It is a manifest lye, to say that his interest vvas expressly disowned by the publick judicatories of the land, before *Dumbarton* fight: for that act of the *West Kirk* (to vvich I know he looketh) vvas not an expresse disownning of his interest, as may be seen by the act it self, which was as followeth, [*West Kirk the 13 day of August. 1650. The commission of*, the Generall Assembly considering, that there may be just ground of stumbling from the King's Majesties refuseing

„to subscribe and emit the declaration offered unto him by  
 „the committee of Estates, and commissioners of the  
 „General Assembly, concerning his former carriage, and  
 „resolution for the future, in reference to the cause of God,  
 „& Enemies & Friends thereof; doth therefore declare that  
 „this Kirk and Kingdome, do not owne nor espouse any  
 „Malignant party or quarrel, or interest; but that they  
 „fight meerly upon their former grounds and principles,  
 „and in defence of the cause of God, and of the Kingdome,  
 „as they have done these twelue yeers past, and therefore  
 „as they do disclaime all the sinne and guilt of the King, and  
 „of his house; so they will not owne Him, nor his interest,  
 „otherwise then with a subordination to God, and so far  
 „as he ownes and prosecutes the cause of God; and disclai-  
 „mes his and his father's opposition to the work of God,  
 „and to the Covenant, and likewise all the Enemies there-  
 „of; and that they will with convenient speed take in consi-  
 „deration the papers lately sent unto them from *Oliver Crom-*  
 „*wel*, and vindicate themselves from all the falshoods con-  
 „tained therein, especially in these things, wherein the quar-  
 „rel betwixt us & that party is mis-stated, as if we owned the  
 „late King's proceedings, and were resolved to prosecute  
 „and maintaine his present Majesties interest, before and  
 „without acknowledgment of the sinnes of his house, and  
 „former wayes, and satisfaction to God's People in both  
 „Kingdomes] Which when the committee of Estates had  
 „seen and considered, they did approve the same, and hear-  
 „tily concurred therein: and what could this honest and most  
 „seasonable declaration import, but only that if the King  
 „would not by a declaration, acknowledg his sorrow, for his,  
 „& his father's carrying on a course destructive of the work of  
 „God, and his renunceing of the Malignant interest, and all  
 „who would owne the same, and his purpose to adhere unto  
 „the Covenants, they would not espouse a Malignant quar-  
 „rel, but fight upon the same grounds and principles, that  
 „they had done for twelue yeers before, and only owne him  
 „with a subordination to God, and in so far as he did owne  
 „the cause of God, and renunce Malignancy and Malignants  
 „and

and that they vould take into consideration *Oliver Cromwel's* papers, for their ovvne vindication, and clearing of the true state of the quarrel, Which vvas necessary, before they did engage in fight? And vould this Malignant *Gnatho* have had the Land and the publick judicatories thereof, contrare to their Covenants, & many Purposes, Resolutions, Vowes & Engagements, postponing Christ's interests unto man's and hazard Religion, Libertyes & all, for one, who would not declare himself a friend to Christ, and his interest; but would persist in a stated opposition to Christ and his cause?

3. But let him make of this, what he will, sure his interest was owned, when he, upon second thoughts emitted that declaration at *Dumfermline*, upon his refusal of which, this act made at the *Westkirk* passed, and this was before *Dumbar* fight. So was his interest sufficiently owned, with the subordination requisite, when he was crowned, which was not very long after that stroke a *Dumbar*, and after vvvhich vve gotte blowes anew, and vvvere redacted at length to bondage. What sayes he next to this? [2. *What ever engagements were upon him for the good of the Nation; yet if these mens principles were to be followed they could have had no force on him, to move him to labour our vindication into liberty, for do not they teach that in the mutual contract and Covenant betwixt King and People, the People are loosed from their duty, if the King fail in his, frangenti fidem fides frangatur eisdem; and why then is not the King loosed, if the people fail on their part? It is known that (although the Nobles and body of the people were well enough affected to the King, and cordially loved him, when they were over powered and could do nothing) yet by their Representatives, he was disowned (which in law would be reckoned their owne deed: and if a sworne people deserte and disclaime their King by their Representatives, may not the King also have the benefite of the conditional Covenant, and leave them as he found them in bondage to forraigners. But such was his Majesties gracionsness and wisdom as well as conscience of duty, that although the Nation had failed much to him, he would not walk after the counsel of these men: And we may (all things considered) asseert that the people of Scotland do rather owe their liberty to him, then he doth owe his authority to them, or by vertue of any Covenant with them.] Answ. 1. By vvhat he hath been formerly saying, and by the instances*



vvhich he hath brought, vve see vvhat is the scope he driveth  
 at, viz. To have us novv a formal conquest, that so the  
 King may tyrannize over us, and deal vvith us, as he seeth  
 good, *jure conquestus*, as being novv free from all bonds and  
 obligations, vvhich ever passed betvvixt Him and the People.  
 For the fift particular which he undertooke to cleare by these  
 five instances, was, that the constitution of this Kingdome  
 neither was, nor is, founded on a Covenant betvvixt King  
 and People: and yet we see the poor man so straitned that he  
 knoweth not what to say: He would faine loose the King  
 from all Bonds and Covenants, and former obligations, and  
 yet he dar not positively and clearly assert it, but only sayes  
 if the King would follow our principles, he would account  
 himself loosed from all: But unlesse, he assert it clearly and  
 positively, that the King, is really loosed from all his former  
 obligations, he speakes nothing to the poynt, but must  
 grant, that at least as to this King, the constitution is found-  
 ed upon a conditional Covenant; and though we should  
 yeeld all the rest, if he grant this to us, we need desire no  
 more, for all our Ends. But 2. in good earnest, let him  
 tell us, Whether the former engagements which were upon  
 the King at his coronation, be loosed or not? If they be  
 loosed and made null, because of what these supposed Re-  
 presentatives did: Then 1. we have a new ground of dis-  
 solving the sacred obligations of the Oaths and Covenants,  
 which the King made with God, and with his People,  
 which was not thought upon till this needle-headed man did  
 invent it. The King himself at his returne, gave no such  
 ground. 2. If he think that these Representatives (having  
 no expresse commission to renunce *Charles Stewart* and his  
 interest, from the land) did break their alliaigance, why  
 did not the King execute the law against them as traitours (as  
 he did against some under that pretext, but really for their  
 faithfulnessse to the Covenant, as is made out by the Apologift)  
 why did he seem to approve what they did, by Countenance-  
 ing them so much, as he hath done since his returne? 3.  
 Doth not himself say that the Nobles and Body of the Land  
 were well enough affected to the King, and cordially loved  
 him



him, when they were overpowered and could do nothing? Sure then the land did not break, vvhatsoever some men did. Ay but, sayes he, in lavv this vvould be reckoned their deed. Very hardly, since they gave no commiſſion for ſuch a deed. If he ſay that they virtually gave ſuch a commiſſion, in that they ſent their commiſſioners unto the commonwealths Parliament. It may be answered, that not only that was a conſtrained and extorted act, but, that as matters then ſtood, no lavvyer, no politician, nor divine vvould condemne ſuch a deed as ſinful or unlavvful, or as prejudicial to the Kings intereſt, to ſend commiſſioners to a meeting, at command of the Conquerour, to labour for a mitigation of their bondage, and for propoſeing ſome things for the good of the land, vvhen their ovvne King vvvas baniſhed from them, vvithout all hope of a returne, and they, for his ſake, vvithout any treachery or perfidy in them, reduced to a ſtate of bondage. 3. But ſince the King at his returne laide claime to no nev vright, but ſtood upon the old ground, and upon this account vvvas crov vned in *England* vvhere he had not been crov vned before, and vvvas not crov vned in *Scotland*, becauſe he had been crov vned there formerly, all theſe quircks are to no purpoſe: for the King returning upon the old claime, acknowledged the former conſtitution, and re-aſſumed his auncient Kingdome upon the ſame tearmes he did before, which is alſo further confirmed by the act of indempnity, which he paſſed; and other acts and deeds, which were needleſſe now to mention. 4. We ſhall eaſily grant, that when a ſworne People deſert and diſclaime their King by their Representatives; The King alſo may take the benefite of the conditional Covenant and leave them. And ſo might King *Charles* have done, and never owned us more: and if he had done ſo, and gone to ſome other part of the world, to have ſpent his dayes, as ſome would not have been grieved, ſo, I think both lawyers and divines would have thought him looſed from his obligation to the people, though not wholly from his obligation to God: But now ſince he did not ſo, but took the firſt occaſion that was ſeiſible, and returned to his old

station and relation, all the old bonds and engagements, which he took in these relations, recurred with their former force and vigour, and he became no lesse bound then ever, yea, before the Lord, rather more: because the goodnesse of God in restoring him without blood, should have engaged his heart so much the more unto God, & to his former vowes and Covenants. 5. What way he laboured our vindication into liberty, I know not; and if it be his Majesties graciousnesse and wisdome, as well as his conscience of duty, that would not let him walk after the counsell of these men, (as he sayeth) many think that we are yet to see these commendable dispositions; for the effect mentioned is not visible: for after the counsell of whomsoever he hath walked, sure we are, he hath broken the Bonds and Engagements which he took on him, both before, and on the day of his coronation: He hath rejected the Covenant, which he made with God upon his knees, with his hands lifted up unto the Most High, and overturned that which was the Chief of our fundamental lawes, or tearmes of our constitution, as we see this day: and this is knowne, that of these who are most injured by him now, and persecuted, there were fewest that failed to him in that day; and therefore his graciousnesse and wisdome and conscience of duty, should have caused him remember these, who could not, out of conscience of their obligation to him, by vertue of their Covenant, take that *Tender*, which, others, to save themselves from a little suffering, swallowed downe without much difficulty; and not have made them the objects of his ire and indignation, as he hath done, and is doing to this day 6. He tells us, that He may assert, that the People of *Scotland* do rather owe their liberty to him, then he his authority to them. But what this bold assertor sayeth, is not much to be valued; vvhich these People of *Scotland* are, vvhich owe their liberty to him, I know not, unlesse he meane the abjured Prelates, and their base, naughty, scandalous Underlings, the scumme of the earth, the shame of the Church, and the disgrace of the Ministry, who novv have freedome from Church-Discipline, and civil censures, and license to

corrupt the word of God, to destroy souls, to tyrannize over consciences, to oppress the People, to enslave the subjects, and to lead back the People into *Egypt*: And the cyvour *Lords* and others, vvho because of their licentious, luxurious, sensual and brutish lives, vvwhich they lead like so many Epicures, having devoured their ovvne Estates, and are novv so drowned in debt, that if the poor could have but liberty to seek their ovvne, and if justice vvwere runing like a streame, durst not be seen, must novv have acts made in their favours liberating them from the sentence of the lavv, and allovving them to presse upon their creditours, the most barren, frutelesse, and uselesse of their lands, and that at twenty yeers purchase, after they have by manifest iniquity, vvithheld aught yeers annualrent, vvwhich is near the equal half of the principal summe; and such other acts of that nature. Is this the liberty he talkes of, That a fevv shall have liberty to drink avvay and vvith debauchery, destroy the substance of the land, and vvaste it upon vvhores and cups? If these ovve that liberty, unto him, I am sure he vvill have little reason, ere all be done, to ovve his standing unto them, When the anger of God shall beginne to kindle, and his vvyrath shall be revealed from heaven against all ungodlinesse and unrighteousnesse of men. But lastly, vvhat if vve should grant him, vvhat he dar not in plaine tearmes require: viz. That the King ruleth over us novv *jure conquestus*? Sure he must then be *Tyrannus sine titulo*, a Tyrant vvithout a title: for his old title, being gone and expired, he had no nev vtitle vvhereupon to ground the lavvfulnessse of his conquest, and therefore by his scope and drift here, he proclaimeth a liberty to all the People of *Scotland* to carry towards him, as an usurper; to seek to dethrone him, and to cut him off: for Politicians vvill grant that a Tyrant vvithout a title may be so dealt with: And thus vve see that if he loose the old foundations, he shakes the throne more then he is a vvarrer of; And as in many other things through this pamphlet, so in this, he doth his Master no good service, notwithstanding of the great fee he hath gotte for his paines.

The summe of what followeth, Pag. 92, 93. is this [That none before King James 6. did at their installing, enter into Covenant with the People, (except what one sayeth of Gregory the great, who swore to defend the libertyes of the Christian Religion, &c. which then was Popery) and neither did King James himself do it, but only Morton and Hume in his name promised something like it; nay it is doubted, if King Charles the first did sweare that oath, or if he did, he was the first, and yet he was aught yeers our King before, and it is to be beleevved on good ground. that if he had thought his taking of that oath, should have subjected him to the co-active and punitive power of the Subjects, in every case, wherein they or any party of them (being meer private persons) might think him deficient, he would rather have endured any death. but it shall be avowed, that he did never shrink from the observation of that Godly oath, neither hath his Majesty who now reigneth swerved from the observation of that oath hitherto, and we are hopeful, God's grace shall preserve him hereafter, from any such thing.]

Ans<sup>r</sup>. 1. We cannot expect that Buchanan, studying much brevity, would set downe all the formalities that were used at the coronation of the Kings, he only satisfying himself with a series of the succeeding Kings, and with a relation of some of the most remarkable passages: And therefore, it is no good argument to conclude that no such thing was; because he doth not make mention thereof. 2. other historians name some other Kings beside that Gregory, who tooke an oath at their coronation, as Corbred the 21. King, who swore *se majorum consiliis acquieturum*. That he should be ruled by the counsel of a Parliament, whom he accounted his Superiours. So in *Macbethus* his dayes, it vvas ordained by the Estates, that the King should sweare to maintaine the community of the Realme. 3. Whether they did actually sweare an oath at their coronation or not, it is not much to the matter; for a virtual and implicite Covenant will ground all which we desire, and that there was this much, cannot be denied, seing Kings, who could not reigne, was layd aside; others who corrupted government, were pursued, sentenced, punished, imprisoned, and killed in battel, or otherwise made to promise amendment; And seing we  
finde



finde bonds laid upon Kings, as that in the dayes of *Finnanus* the 10. King. [*That Kings thereafter should do nothing of any great concernment, without the authority of their publick Council, and should not rule the Kingdome according to the Counsel of his Domesticks; That he should manage no publick businesse which belonged to the King, without the advice and conduct of the Fathers, and should neither make peace or war, enter into Leagues, or break Leagues by himself, without the concurrence and command of the Fathers & Heads of tribes.*] This was a fundamental Law of the Kingdome, and all who accepted of the crowne thereafter must have accepted it upon these tearmes, though they had not been in plaine tearmes expressed, So *Durstus* his Successour did sweare the same, and therefore in *Mogaldus* the 23. King his dayes, this is called the ancient custome, for he *ad consilia Seniorum omnia ex prisco more revocavit*, did all by a Parliament according to the ancient and received custome: And because *Conarus* the 24. King neglected, or refused to follow this received custome, he was cast into prisone; So that the not observing of these conditions made them obnoxious unto the coactive power of the People. So was *Romachus* censured by the Parliament for the same crime. So we read of many others censured for their misdemanurs as *Constantine* the 43. King, *Ferchardus* the first the 52. King, *Ferchardus* the 2. the 54. King, *Eugenius* the 62. King, *Donaldus* the 70. King, all which instances & many such like, do abundantly cleare that the Kings of old were under bonds and obligations, if not explicite, yet tacite unto the People. 4. Whatever can be said concerning the ancient Kings; yet now it is past doubt that all our Kings are bound to sweare an oath at their coronation, and so are under conditions and Covenant-tyes and obligations, and this is enough for our present purpose. 5. It was thought sufficient in point of formality & legality that the Earle of *Merroux* and *Hume* should sweare in name of the King, at this coronation, [*That he should observe the Lawes, and according to his power should preserve the doctrine, and rites of Religion, which were then taught, and publicly received, and oppose himself to all which was repugnant thereunto.*] And this was the very summe of that oath, which was afterward concluded in Parliament,

to be received by all Kings at their coronation. And the reason why they did not put King *James* to that oath thereafter, was because, he was but once crowned, and the oath was to be sworne at the coronation: and when King *James* was crowned, It was done by others for him, as is said.

6. Though this man make a question, whether King *Charles* did swear this oath or not at his coronation, yet it is notoure that he did, and though he beleeveth, that if the King had thought, that his taking of that oath, should have been so far mistaken by his Subjects, as that he should have been thought thereby, to have submitted himself to their coactive and punitive power, in every case, wherein they or any part of them might think him deficient, he would rather have endured any death, then so to have cast himself away, at the pleasure of malcontented partyes, amongst the People, taking advantage against him by that oath: (all which, we may give him good leave, to beleieve, for we asserť no such thing) yet he must suffer us to beleieve also, upon as good ground, That if King *Charles* had absolutely or peremptoriely refused to have taken that oath, or had said, That he would rule as he listed, and have no regard to the established lawes; and whould bring in what Religion he pleased, though it were Machometanisme or Poperie; or that he did not account himself obliged to the Subjects by any oath he could take, The Nobles and others would have scrupled to have given him the Crowne, and acknowledged him King. And their after practices declared that they looked upon him, as a King obliged by tearmes and conditions unto them: which when he broke, they maintained their right against him, with their sword, when no other meane could prevaile.

7. Though it be true, that King *Charles the first* was acknowledged King sometime before he was crowned, yet that was with respect to the same conditions, unto which he was, by his taking the place, virtually obliged; and therefore afterward, when he came to be crowned, and formally installed, he did also formally and expressly take on the obligation. And vvhether he did ever shrink from the observance of that godly oath, let this perfidious man avovv vvhath he vwill, many vwill asserť

it as certane, in some poynts, and too too probable in other.

9. But though he should doubt vvwhether any King, before King *Charles the second*, did swveare any oath or Covenant vvith the People; yet he cannot doubt of vvhat this King *Charles the second* did: It being being beyond all denyall and contradiction, That he swore both that Oath which was injoynd in King *James the sixth* his dayes; and also the National Covenant, and the Solemnne League and Covenant: and that according to these, the Subjects did swear obedience unto Him: Here was then a mutual conditional Covenant, explicitly, and in plaine tearmes, with all the solemnities imaginable, entered into: and what needs more to cleare all which we have said, and to ground all which we would inferre, to justify the late action: For as for his vaine inferences, they concerne not us, and more shall be spoken of them afterward. 10. Though this *Surveyer* be ready to avow that this King hath never swerved from the observation of that oath enjoynd *Anno 1567.* yet all the World seeth, that he hath not, as he ought to have done, maintained the true Religion, nor right preaching, and administration of Sacraments; Neither hath he, according to his power, abolished and withstood all false Religions contrary to the same, as appears by the great indulgence, and toleration, if not countenance, granted to Popery and Papists. Neither hath he ruled us, according to the will of God, but rather persecuted us for adhering to the Word of God: nor hath he ruled us, by the laudable Lawes and constitutions of the realme, but hath with a packt Parliament, principled to his minde, overturned our lawes & libertyes, & hath framed & established iniquity by a law. 11. But what sayes he to the Nat. Cov. & League & Cov.? Dar he avow that he hath not broken these? If he had not, we had not been troubled this day, with a Popish Prelatical and Malignant faction, nor had we seen these abjured and foresworne Prelates, nor had we seen the work of reformation of religion, in worship, Doctrine, Discipline and Government, so overthrowne, overturned and trode upon, as it is this day. 12. So then, seing he cannot deny, but the King took and solemnely swore these Cove-



nants, and that now he hath openly, and avowedly broken them, it is undenyable that he hath broken the conditions on which he was made King: yea, seeing these were the maine conditions, and the only conditions considerable, and were become the fundamental law of our constitution, he hath violated the principal and only conditions covenanted, and what we shall hence inferre, we shall now show.

Having thus vindicated and cleared the premises, we shall draw out our arguments and conclusions thence, and,

1. If People propose conditions and tearmes unto Princes, to be by them acquiesced in, and submitted unto, and upon which they are to accept their Crowne and Scepter; Then, if the Prince or King violate these conditions, which he once accepted, and contrare to his promise and engagement, destroy what he promised to build up; The People may very lawfully defend themselves, and these good ends, which they endeavoured to have secured, by proposing these conditions unto the Prince, when he is seeking to destroy all, even by force vvhhen there is no other remedy. But such is our case. The King vvas formally and expressely engaged by Compacts and Covenants to secure the Reformed Religion in Doctrine, Worshipe, Discipline, and Government; to secure all these vvho owned the same, and adhered to the Covenants; and to ratify and approve all lavves made for these Covenants, and for the security of such as entered into these Covenants: and novv notwithstanding of these conditions agreed unto by him, the Covenant and vvork and all is overturned, People persecuted meerly upon the account of their adhering to these Covenants, all conditions are violated, all Covenants, Vowes, Compacts, Engagements and vvhat could be devised for security of the reformation and of the ovvners thereof, are broken. Who then can condemne even privat persons if they stand to their defence in this case? See *Althusius polit. cap. 38. n. 30.*

2. If People may lavvfully and laudably defend the fundamental lavves of the Kingdom, on vvvhich the constitution of the Kingdome standeth, and on vvvhich the security of vvhat is dear to them as men, and as Christians, relveth. Then  
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the late act cannot be condemned; because, in defending themselves, they stood for that which was the maine and principal tearme of our constitution. But the former is true: because the Prince violating these, destroyeth the constitution; and because He cannot do this as a Prince, having already engaged as a Prince to maintaine the constitution, he must do it as a private person, or an enemy to the constitution and whole body of the land. Therefore he may wel be resisted, even by private persones, see this fully made out by *Althus. Pol. cap. 38. n. 37.* both out of Lawyers and Divines.

3. If a People, even by resistance, may defend their personal libertyes and rights, secured unto them by Compacts with the Prince, or by the fundamental lawes of the land, which the Prince as Prince is bound to maintaine. Then the late act cannot be condemned: because by it they were but defending that, which the King had secured unto them, by his compact, and which was secured unto them by the fundamental law of the land. But the former is true: because a privat person is allowed by law to maintaine his Lands and Rights, even though some, in the Kings name, should come, under whatsoever pretext, to robe and dispossesse him, and shut him to the door. Therefore, this late act, though of private persones, cannot be condemned.

4. If a Prince violating all, or the maine conditions, upon which he was made Prince, becometh *stricto jure* no Prince, but falleth from his benefice, not having done the offices, in consideration of which, he gotte that benefice conferred upon him [*non enim* (sayeth *Althus. ubi supra*) *commodum debet sentire ex contractu quem vel omittendo vel committendo quis impugnatur.*] Then lawfully enough such an one may be resisted, even by Private persones; as is cleare. But the former is made clear above: and such is our case now; for the King hath broken, palpably and avowedly, the maine and principal conditions, on which he was made King, having overturned the work of reformation, which, if he had not promised, vowed and covenanted to maintaine, he had never been crowned or adimitted to the exercise of that Government. Who then can blame a People stand-  
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ing to their owne defence, when oppressed and tyrannized over by his emissaries, who hath thus violated the principal and only conditions of the compact, and is forcing them to the same excesse of wickednesse and perjury? [*deficiente hac conditione sayeth Althus. Pol. c. 38. n. 40.*] *desinit obligatio, & fidem non servanti, fidem ei quoque non servari aequum est. Nam qui non facit quod debet, nec recipit quod oportet, nec petere potest, quod ei ideo ab alio debetur: quam naturam esse conventionum in quibus utraque pars contrahens obligatur, testatur Tiraq. de Legib. Connub. Gloss. 1. part 13. n. 42. & lazè Mascard. Concl. 1387. per Alleg. Ibid. Rolland. a Val. Consil. 69. Vol. 4. & Consil. 53. Vol. 1. quando ergo una pars promissa non præstat, facit eo ipso ut & altera liberetur.* Dynus Alexander & Jason, in *L. cum proponas C. de pactis.*]

5. If when a Prince violateth the maine and principal conditions, on which he was installed, a People be *stricto jure* liberated from subjection unto him. Then much more may they resist him, when he by his emissaries oppresseth, and unjustly violenteth them. But we have cleared the former to be true. Therefore, so is the later. The consequence cannot be denied: for if *stricto jure* a people may disowne a prince, then much more may they repell his unjust violence. If law admit the more, it will admit the lesse also. The application of this is cleare from the former.

6. If the Covenant or Compact, which is betwixt Prince and People give law - clame to the People to pursue the Prince, in case of failing in the maine and principal thing covenanted: Then, sure the People may resist unjust violence; for they who pursue, for a broken Compact, according to their clame, may farr more defend their clame when invaded by force, contrare to the compact. The application of this is also cleare.

7. Since by this compact, it is clear as *Althusius* tells us *Pol. Cap. 19. n. 12.* that the People or Kingdome are the full Lords proprietors of all the power, and have free liberty to dispose of it, the frute and emolument thereof redounding to themselves, having full power no lesse then any private person to manage dispose, and dispense in their owne matters

as they please. Then when they finde the person to whom the Government is committed by compacts, administrating the same to their hurt and destruction, they may see to their owne good, and not suffer themselves to be destroyed, but resist him who instead of a mandatarius and servant, turneth a Tyrant and Enemy.

8. Since, as the same *Althusius* sayeth *Ibid. n. 13.* by this compact it is apparent, that the *Ius* the power or authority, which is given to the Supream Magistrate is not his owne, & is lesse then the *Ius* of the People & inferiour to theirs; because it dependeth upon the free will & prescription of the People, & endeth with the death of the prince, who is *Mandatarius*; as o-ther *contractus Mandati* use to do, and recurrerth to its owne proper Master and Lord. Then it cannot be unlawful for the People the commander here, to see to their owne saistie, and provide that their owne free gift destroy them not, and so to resist the Prince abuseing that power to their destruction.

9. If it be certane (as it is to *Althuf. Pol. c. 19. n. 47.*) that the Prince hath no more power given to him by the People, then what is contained in the conditions upon which he undertaketh the government, and what more he assumes, he usurpeth by tyranny from the People. Then when he usurpeth more power then was given to him, he may be resisted: and the People are allowed to preserve their owne: and when he ruleth contrare to the conditions, and destroyeth these, it is certane He arrogateth to himself a power which was never given to him, yea which was virtually prohibited and discharged to him: and in that case may lawfully be resisted, as is undenyable. The antecedent *Althusius* proveth in the forecited place *n. 48.* saying [*acquis hujus rei naturalis demonstrari potest ex natura mandati, quod dicitur contractus bonae fidei, obligans eum qui alienorum negotiorum administrationem suscepit, ne limites & fines mandati excedat, sed contineat se intra terminos praescriptos a mandante, ut latius docent J. CC. quibus addendus Valsq. Illustr. Quaest. L. 1. c. 47. n. 13.*]

## CAP. VII.

Of the Nature of the Kings Power  
over his Subjects. Our Arguments hence.

FROM what hath been said in the two former chapters, we may faifly gather these conclusions concerning the nature of the povver of a Sovereaigne over his Subjects, vvhich vvill yeeld us so many arguments, confirming the poynt in hand.

1. The Sovereaign's povver over his Subjects, is not properly a *parental* povver, that is, not such a povver as parents have over their children: for 1. The Sovereaign's power over the Subjects ariseth from a voluntary compact, and consent of the Subjects, as was shewed; but the Father's power requireth no such previous consent or compact. 2. The Sovereaign's power may be restricted to so many degrees by the Subjects; so cannot the Father's by the Children. 3. The Subjects obedience and subjection to the Sovereaign may be conditional; as we have proved, and our adversaries will grante it, in limited Princes: but so cannot the subjection of Children be. 4. Whethersoever Children goe, they keep alwayes the same relation to the same Parents: but Subjects may change their Sovereaignes, by changeing the places of their habitation. 5. Children can in no case break that relation, which is betwixt their Fathers and them; but in many cases, *Royalists* themselves will grant, Subjects may shake off the King. 6. Children cannot change their Fathers: but Subjects may change their Sovereaignes; for *Royalists* wil grant that such as are under an Aristocracy may make choise of a Monarch. 7. Children hold their natural being of their Parents, but Sovereaignes are designed only for the political or civil welbeing of the Subjects. 8. Subjects may choose what Sovereaignes they will, whether Monarchical or Aristocratical, and what persones in this, or that forme: Children can not choos



choose what Parents they shall have. 9. Subjects can condescend upon the time how long such an one shall be their Sovereigne, *ad vitam* or *ad culpam*: but Children can not set bounds unto their Parents power. 10. Sovereignes have not begotten all their Subjects, nor doth their relation or power flow from such an act: but Paternal power doth. 11. If the Sovereigne's power were paternal only, then he should not have power of life and death, because parents as such have not that power over their Children- 12. The *Surveyer* himself granteth this *Pag. 29.* in these words. [*Kings are not fathers of our flesh, or by generation, nor can they be truly called so, political and parental power are different things.*] So then the Sovereigne's power is paternal only in a metaphorical sense: because They should have a Fatherly care and inspection over their Kingdomes, and should nourish, cherish, love and governe them tenderly and carefully; and as Parents in some respects, love their children better then themselves, so should they preferre the good of the commonwealth unto their owne: and upon this account are stiled Fathers *Gen. 20. 2. Iudg. 5. 7. 1 Sam. 24. 12. Isa. 49. 23.* as also *Pastors* are.

2. The Sovereigne's power is not properly *Marital*, or such as Husbands have over their Wives, for. 1. Wives cannot limite their Husband's power, as Subjects may limite their Sovereigne's. 2. Wives cannot prescribe the time how long such an one shall be their Husband, as Subjects may do vvith their Sovereignes. 3. Wives cannot change their Husbands, as Subjects may change an Aristocracy into a Monarchy. 4. Wives are appoynted for an helpe to the Husband, but the Sovereigne is rather for the Commonvvealth, then the Commonvvealth for him. 5. If the Sovereigne's povver vvere such, then he could not have povver of life and death; for a Husband as such hath not that povver over his Wife. 6. Though the Husband and the Wife be in distinct Kingdomes, the relation standeth, and is not broken upon that account, but if a subject goe out of one Kingdom, to live into another, he changeth his Sovereigne, and hath a relation to a nevv Sovereigne.

3. So he is but metaphorically, and not properly called the *Head* of the Commonwealth: for 1. the head is not made Head by the free choise of the Members: but the Sovereigne is chosen by the People. 2. The Members have not so much as a consent in setting up the Head: but Subjects, at least, have this much, in setting up of Princes. 3. the Members can never change the Head, but Subjects may change their Soveraignes. 4. The Members can make no compact with the Head, as Subjects may do with their Princes. 5. The Members cannot limite the power of the Head, as Subjects can limite the power of their Princes. 6. The Members cannot destroy the Head and live themselves, but Subjects can destroy the Monarch and choose another. 7. The Head communicateth life, sence & motion to the rest of the members; so doth not the Prince unto his Subjects. 8. The same individual life is in Head and Members; but not in King and Subjects. 9. Head and Body die and live together, but there is no such connexion betwixt King and Subjects. So then he is but a metaphorical Head, so called, because of his supereminency, He is over the civil body to rule and guide it aright.

4. The Sovereigne hath no *Lordly, dominative, or masterly* power over the Bodies of his Subjects. For 1. this government is founded upon the law and light of pure nature, but this masterly dominion is a frute of sin. 2. Slavery being against nature, & a bondage, which all would willingly shun, we cannot suppose that rational people would choose that life, if they could help it: but they willingly, & not out of constraint, choose government & governours. 3. The people in setting up a Sovereigne propose their owne good & have their owne ends, but if the Sovereigne's power were properly a masterly power, they should propose rather his good then their owne, in setting him up. 4. If his power were a masterly power, their condition after the government were established, should be worse, then it was before: for their state of liberty was preferable to their state of bondage. 5. They had not acted rationally, if to be free of oppression of others, they had willingly given up themselves unto an oppressour,

pressour, endued with masterly dominion and power. 6. Masters might sell their servants for gaine *Gen. 9. 25. and 20. 14. and 26. 14. 1 King. 2. 32. 2. King. 4. 1. Neh. 5. 8. Eccles. 2. 7. Job. 1. 3, 15.* But the prince cannot sell his Kingdome. 7. Sovereignes have not such a povver as this, from God, but only a povver to feed, to rule, to defend, and to watch over the people for their good, *1 Tim. 2. 2. Ps. 78. 71. 2 Sam. 5. 2. 1 Chron. 11. 2. and 17. 6.* Neither have they it from the People; for they cannot give such a povver, vvhereby to make themselves slaves. 8. If it vvere so, Princes should not be a blessing unto a People, but rather a curse contrare to *1 King. 10. 9. Esa. 1. 26. Jer. 17. 25. Hos. 1. 11.* 9. It is a blessing to be free of slavery *Exod. 21. 2, 26, 27. Deut. 15. 12. Jer. 34. 9. Job. 8. 33. 1 Cor. 9. 19.* But it is not a blessing to be free of government, but a curse and judgment rather, *Judg. 19. 1, 2. Esa. 3. 1, 6, 7. Hos. 3. 4.* 10. Subjects are the King's brethren, *Deut. 17. 20.* and so not his slaves. The *Surveyer Pag. 30. 31.* granteth that there is a great difference betwixt Magistratical power and Masterly, and giveth three maine differences. 1. That the Master of slaves had his owne profite mainly before his eyes, and the profite of the Slaves only secundarily: But the Magistrates power is premarily ordinated to the Publick good of the Community it self, and only secundarily and consequentially to the good of Himself. 2. That Masters had a greater power over the bodyes and goods of these, who were their Slaves, then a Magistrate can claime over Subjects. 3. The Master had the slaves in subjection to him, more out of feare and constraint, then love or delight: But a King hath his Subjects under him, in a civil, free, liberal, voluntary, and loving subjection. Thus we see this poynt is cleare and undenyable by him, though other *Royalists* will not grant so much: but sure if they were his slaves, they behoved to be taken in war or bought with money.

5. Neither hath he a *despotick & masterly power* over the goods of his Subjects, what ever use he may be allowed to make of them, in case of necessity (when, in some respect, all things are common) for the Common good, and good not

only of the owners, but also of all the Community. Yet the Subjects are righteous proprietors of their owne goods. For 1. the People make choise of him, for this very end to preserve them in their rights, to keep their rights inviolated, to keep them from oppression and injuries of others; so that it cannot be imagined that rational People would make choise of one great robber, to preserve them from lesser robbers. 2. Their case should be rather worse as better, by the erecting of a civil government, if the Sovereigne were the only proprietor of all their goods: for before the erection they had a just right and title unto their owne goods. 3. Sovereignes should not be a blessing unto a People, but a curse: Which is false. 4. Then they could wrong no man take what they would from him, contrare to *Zeph. 3: 3. Esai. 3: 14, 15. and 58: 4, 6. Mich. 3: 3. see Timpl. pol. lib. 5. cap. 1. quæst. 3.* 5. The law, *Deut. 17.* contradicteth this masterly power over the Subjects goods. 6. *Ahab* was blaimed for taking *Naboths Vineyard*. 7. This is the very character of a Tyrant, 1 *Sam. 8.* 8. The Kings of *Egypt* had not this propriety; *Gen. 45.* 9. No man might then defend his owne right by law against the Sovereigne, but he might take what he pleased, from whom he pleased, and give to whom he pleased. 10. Then the King could not properly buy or sell with his Subjects. 11. Nor could Subjects make any barganes amongst themselves without his consent. 12. Nor could they exerce any acts of charity; because charity must be of Mens owne, *Esa 58: 7. Ecc. 11: 1.* 13. Yea, Subjects could neither perform a duty, nor fail in a duty, in the matter of goods, if all were his. 14. subjects could not be enjoyned to pay tribute unto the Prince, contrare to *Rom. 13: 6.* 15. It is contrare both to the Law of God and nature: see *Timpl. ubi supra.*

6. Hence Sovereignes are not proper proprietors of their Kingdomes: Because 1. there are other qualifications required of them, then is required of ordinary proprietors. 2. The People then could never change their Sovereignes. 3. The Sovereigne might sell and dispone his Kingdomes, as he pleased, which *Royalists* themselves wil not grant. 4. Kingdomes then should come in amongst *bona fortuna.* 5. His place should not be properly



properly a function, or office, but a proper possession. 6. Several Kings both in *Scotland* & elsewhere, have been hindered from dilapidating the revenues of the crowne, or by gifts and other contracts deteriorating the Kingdome, and punished for so doing. 7. Would rational men give themselves up for a prey to one, that they might be saife from becoming a prey to others? 8. How should then a Sovereigne be chosen for the good of the Kingdom, if he might do with it what he pleased, sell it, or dispoine it to the *Turk*: or such like. 9. *Paul*, by commanding that tribute & custome be given to him, supponeth some other thing: see *Althus. polit. cap. 24. n. 35, 37.*

7. Nor so much as *usufructuaries*: For 1. they may not lay their Kingdomes in pledge, as an usufructuary may do. 2. Nor can they give them freely away. Nor 3. may they do with them what they please, as usufructuaries may do with what they have by that right: See *Iun. Brut. vind. cont. Tyr. q. 3. p. (mils) 205.*

8. The Sovereigne's power is properly a *fiduciary* power, such as the power of a Tutor or Patron, for to this end & purpose was He created of the People, that he might defend them from injuries and oppressions. He is appoynted over them by God for their good, and is to seek that mainly. 2 though he hath his power by way of compact, yet it is not a compact *ex condigno*, such as betwixt buyer and seller, upon valuable prices and considerations 3. His power is limited & restricted and he is bound to conditions, as we shewed. 4. He may not (as was said) dispose of his Subjects, and of their lives as he pleaseth. 5 if he sell his Kingdomes, *Royalists* grant he may be dethroned; therefore he hath no other power then of a Tutor, Publick Servant, or Watchman, 6. His power is over his Subjects, as it is over the law of *God* and religion, but over those he hath no other power, but a ministerial Tutory-power: He is to take care for them *ex officio*, as a special pawne committed to his trust, to see that they be not wronged or violated: see *Althus. polit. cap. 24. n. 43, 44, 45.* *Adrian* the Imperour used to say *Ita se Remp. gesturum ut sciret Populi esse non suam.*

Hence we draw these arguments for resistance of Sovereignes by meer private Subjects, in cases of necessity.

1. If it be lawful for Children to resist their Father, when enraged against them, and seeking in his fury, to destroy and cut them off, without any violation of the Law of God enjoining Children to obey, and be subject to, their Parents in the Lord: Then it is lawful for Subjects though private persons, to resist the fury of their enraged Sovereigne, when he is seeking, in his cruelty and rage, contrary to compact, oathes and vowes, to destroy Them and their Religion. But the former is true. Therefore &c. The Assumption cannot be denied by any rational person. It being most just and rational, that when the Father is taken with a distemper in his braine, and in his madnesse seeketh to destroy or cut the throates of his Children, They may joyne together, binde his hands, pull the weapon out of his hand and defend themselves the best way they can. The connexion of the proposition is certane; for, the most the adversaries can make of the Soveraignes power is that it is *paternal*, and that he is *parens patriæ* the Father of the Commonwealth: & yet seeing natural Fathers may be resisted by their natural Children, in case of necessity, without the help or conduct of Magistrates: Why may not also private Subjects, without the conduct of a Parliament, defend themselves, in case of necessity, against the fury and rage of their civil father, when he by his bloody emissaries, is seeking to undoe them? But next we may draw the argument from the lesse to the more. If it be lawful for Children, in cases of necessity, to defend themselves against, and to resist the unjust violence of their enraged Father: Then much more is it lawful, for private subjects, in cases of necessity, without the conduct of a Parliament, to defend themselves against, and to repel the unjust violence of their Sovereigne. For there is not such a connection betwixt the Sovereigne and his Subjects, as betwixt Parents and their Children, as we have abundantly cleared: And againe, if some of the Children may resist the unjust violence of their Parent and of others of their Brethren, joyning with their enraged Father to cut them off, that they alone may enjoy the whole inheritance, or for some such ends: Then far more may a part of the Commonwealth

wealth resist the Prince's unjust Tyranny, though he hath the other parts of the Commonwealth concurring with him, to their destruction: For the argument followeth, as I said, *a minori ad majus*, from the lesse to the more: And the union, tye & relation betwixt Brethren, Sones of the same Father, is as great, yea greater, then the tye, union and relation betwixt one part of the Commonwealth & another; this relation being but political and in itself no wayes indissoluble, but the other natural and indissoluble.

2. If Wives may lawfully defend themselves against the manifest and unjust violence of unnatural and enraged Husbands, and repel, in case of necessity, violence with violence, without the conduct or concurrence of other Magistrates. Then it is no lesse, yea much more, lawful for meere Private Subjects, in cases of necessity, to resist without the help and conduct of a Parliament, the furious and unjust assaults of their enraged Sovereigne. But the former is true, as all will grant. Therefore, &c. The proposition is cleare from this. That there is not so great a tye betwixt Prince and Subjects, as betwixt Husband and Wife: And say that he had an equal power over his Subjects, with that which the Husband hath over his Wife (which is false,) yet the connexion will be firme, as to a lawfulness in this case, as wel as in the other.

3. If there be not such a connexion betwixt the Sovereigne and his Subjects, as is betwixt the natural Head, and the Body. Then it can no more yea, far lesse, be an unnatural thing for Subjects to defend themselves against the violence of distempered Princes, Who seek directly to destroy the Commonwealth, when necessity doth urge; Then it is for the members of the Body, to defend and fortify themselves against danger, paine or sicknesse, occasioned by a distemper of the braine, yea and with violence seek to cure & remove that distemper in the head, that is like to destroy the whole body.

4. If the Sovereigne hath not a Lordly domination, & masterly power over his Subjects, but they be is Brethren & not his Slaves; and, if the very Law will allow Servants to



defend themselves against their Lords and Masters, *L. Maximie 35. de Rel. & sumpt. funer.* and no man with us will account it unlawful for servants to defend themselves against the unjust and violent assaults of their Lords and Masters. Then farr lesse can it be accounted unlawful for private Subjects to defend themselves, when constrained with necessity, against the unjust assaults of the Sovereigne or his emissaries. But the Antecedent is cleared, and confessed. *Ergo.*

5. If the Sovereigne have no despotick or Masterly power over the goods and heritages of his Subjects, as we have proved. Then very lawfully may they defend their lands goods and heritages, from the violent and unjust oppressions, of the Prince or his emissaries, sent out to plunder, rob, destroy their corns, cattel, goods, land, summes of money, &c.

6. If the Kingdome be not his proper heritage, nor he proprietor thereof, as was shewed; Then when He or his Emissaries come to destroy a considerable part of the Kingdome, and to alienate the profites and emoluments thereof unto others, then the proper owners and proprietors, unjustly. Then may that part of the Kingdome lawfully resist these unjust oppressours and invaders, & defend their owne.

7. If He be not so much as an usufructuary of the Kingdome: then when He laboureth by his Emissaries to waste and destroy the Kingdome or any part thereof, by unjust violence, private Subjects may resist that unjust violence, and oppose his oppressing Emissaries. If a Master may hinder his usufructuary tenants who would deteriorate the land, which they possesse by compact; Then much more may subjects resist the Princes Emissaries when labouring utterly to spoile, and lay waste these lands, whereof he is not so much as an usufructuary:

8. If the King's power be only *fiduciary* as is shewed. Then when that power is manifestly abused, and the pawne which he hath gotte to keep, in imminent and manifest danger, lawfully enough may he be resisted: When the Lives, the Liberties of the People, or their Religion is committed unto him, as to a publick Tutor, Watchman, or Servant; & He what through negligence, what through wilful wickednesse, laboureth to destroy, and undoe, and overturne all, very lawfully



lawfully may Subjects, in that case of extreame necessity, seek to secure the Necessary and desireable things, and resist his fury and unjust violence, who contrare to his oath and promise, seeketh to have all overturned and ruined. *Althusius* pol. cap. 38. n. 39. speaketh well to this, saying [*Oblatio ratio sumitur a natura contractus mandati, quo summa Magistratus administratio est delata à populo, ad hoc ut Reip. proficiat non ut noceat, Rom. 13. Valsq. lib. 1. c. 44. n. 6. & c. 1. & 2. Illust. Contr. quando igitur mandatarius fines mandati excedit non illi obligatus est mandator, §. 15. qui Just. de Mand. Luc. 16: 1, 2, 3, & c. Et quando conditio, status Et fortuna mandatarius mutatur in deterius L. si quis cum de procur. L. cum quis desolut. Aut mandatum a mandante revocatur, vel ipse mandans agere Et tractare negotium incipit ut tradunt J. CC. Vide Valsq. Lib. 1. c. 43. n. 5. & c. 4, n. 12. Illust Controv.] What he addeth is worth the reading.*

## C A P. VIII.

The Peoples saifty is the supreme Law. The

King is not absolute. Hence some Moe Arguments.

**T**hat *salus populi est suprema Lex* is asserted by the law of the 12 Tables. The worthy author of *Lex Rex* hath fully confirmed this truth, and vindicated it from the exceptions, and false glosses, of the Royalists, *Quæst. 25.* And therefore we need say lesse to it, especially seing this *Surveyer*, hath nothing against it, that I have observed.

That it is a truth, That the peoples saifty is the cardinal law, hence appareth, 1. That the attaineing of this end, was the maine ground and motive of the peoples condescending upon the constitution. 2. They levelled at this end, in making choise of such a forme, and not of another; for had they thought another fitter for their temper, and more conducing for their good, they had not pitched on this, but on that. 3. with an eye to the saife and sure attaineing of this end proposed and designed, they made choise of such persones, and of none else. 4. upon this account, did they condescend upon that manner of conveyance of the supream authority, which they thought best, 5. For no other end, was it, that the Prince was limited and bound unto conditions. 6. The end being alwayes preferable to the meanes as such,

The Peoples saifty, which is the end, must be preferred to all such things as are made use of as meanes conducing to this end. 7. By the very Law and institution of God, the Magistrate is ordained for the Peoples good, *Rom. 13. ver. 4.* and to this end, (next to the glory of God, unto which we alwayes give the preference) is he to direct all his public actions as a Magistrate, and by this, is he to stirre his course, in governing the helme of the Republick. 8. Hence it is that all the municipal lawes of the Land, are made, renewed, corroborated, explained, or rescinded and annulled, so as they most conduce to this great end which is ever *animus & Ratio Legis*. 9. Hence also it is, that no law in its letter tending to the hurt and detriment of the Realme, is or can be of force. 10. Hence it is, that the Sovereigne in cases of necessity, may neglect the strick observation of the letter of the lawes, and for the good of the community, neglect private mens interests. Finally the very law of nature requireth this, as *Boxhornius Inst. Polit. lib. 1. Pag. 25.* tells us.

Doctor *Sanderson* in his book *de obligatione conscientie practicae*. 9. § 10. laboureth to put another glosse upon this axiome: But he may be easily answered: for we shall readily grant with him, that by *saifty* here is not meant dignity, or liberty in some small and inconsiderable trifles, unto which some small and inconsiderable hurt is opposite: nor shall we say that any extraordinary thing is to be attempted in a Commonwealth, against the lawes, whensoever any leading popular man, or bold rhetoricator or a Démagog shall say that Princes and Magistrates, have violated the lawes, done injuries to the people, and neglected their duty: yet he must give us leave to say, That the saifty of the people, is in hazard, when it is manifest and notour, so as they who run may read it, that lawes, once established, and for the future good and through security of the subject, by Oathes and Covenantes corroborated, and made irrepelable, by any Magistrate higher or lower, are annulled, condemned, and rescinded; nay the Covenants whereby the land was devoted to God, and their Religion secured to them, and the fundamenta

fundamental law or ground of the Constitution, and condition on which the Sovereign was admitted to his throne, overturned, and trode under foot: All forced to condemne their former actions and Covenants, Vowes, Oathes, Prayers, Teares, Fastings, Fightings &c. by subscribing contradictory, condemnatory, and rescissory acts, and declarations, and forced to run counter their owne oathes and Solemne Engagements, otherwise to be exposed to ruine by arbitrary mulcts, fineings, imprisonements, quarterings, cruel and inhumane usages, plunderings, vastations, depopulations and the like. Is not this equivalent to incursions of forraigne adversaries? Is not this depredation committed by wicked subjects? Is there not here impious and horrible acts of tyranny? But he will have the word *People* taken for the *Prince* distinct from the *People*, or in a collective sense, for *Prince* and *People* together. He must be a strong rhetoricator indeed that will perswade any to beleve this, seeing there is no reason in the world for it: For though we should grant that among the *Romans* it was sometimes used to designe, not only the *plebeians*, but also the *equester order* conjunctly, as in that axiome *Senatus populusque Romanus*. *The senare and the people of Rome*: And that sometimes it did designe the *Fathers*, the *knights*, and the *Plubeians* conjunctly, yet it will not follow that it is so taken in this axiome; for if we should follow his owne rule, viz. That collective words should be collectively taken, unlesse the opposite which is annexed, require otherwise: And with all, make use of this owne words *pal. 10. §. 19. A Romana gente &c.*, i. e. [ I have told that this axiome is come to our hands from the *Romans*, and now I adde, that in the 3 book of *Cicero de legibus* that sentence is first found, for any thing I know; yet, as he testifies himself, taken out of the ancient lawes of that nation, and copied out of the very letter of the law. Now this *Cicero* after he hath described and explained, in the preceding book, the lawes pertaining to Religion and the worshiping of the Gods, at length, in the third book, he comes to rehearse these lawes which concerne the Republick and the Magistrates, where these words are to be found. *Regio Imperio duo sunt, iique præeundo, judicando, consulendo,*  
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praetores iudices consules appellantor, militiae summum jus habento, nemini parento, ollis (i. e. illis) salus populi suprema lex esto he sayes, *to these the chief law should be the peoples safety: Now who are these? those, viz. Who were endued with King'ly power, and had the chief disposall of the militia, &c.* It vvill then be as cleare as can be, that the opposite which is added or annexed, doth sufficiently show that the vvord *People* in this axiome, is to be taken for the People, as contradistinguished from the Magistrates, and not for People and Magistrate conjunctly; far lesse for the *Prince* as distinct from the *People*. And doth not this same sentence of *Cicero's* fully confirme our Glosse, and say that Princes and Magistrates, as such, ought mainly to designe the good of the People, over whom they are set, & to have that for their end in all their publick actings, whether in making, or in executing lawes? How then can he say that this axiome is rather to be understood of the Prince alone, then of the People alone? But for this he tells us, That the ancient Fathers did esteem of them as next unto God and inferiour to him only, and that the People of *Israel*, *2 Sam. 18:3.* Did preferre the safety of the King unto the safety of all the rest, and in the *Lament. 4:20.* He is called *the breath of our nostrils.* To all which it is easily answered, 1. That all this will not prove, That Princes are bound by reason of their office, only to seek their owne good, greatnesse and power; or to preferre that unto the good of the People; and not rather designe, as their proper and principal end, the promoting of the good and safety of the People committed to their charge. 2. The Fathers might have spoken so of the Emperours, as they were then *de facto* and in regaird of their supereminency, but notwithstanding of that, they and their supereminency both, was subordinate unto the good of the People, and was *ex naturae rei*, but a meane for that maine and great good. 3. It is true in some cases, and at such a nick of time, as that was *2 Sam. 18.* The losse of a good King, when he is the maine person hunted for by the adversaries, would prove more destructive to the Commonwealth, then the losse of ten thousand, and this rather confirmeth the axiome then weak-



weakeneth it, for it was upon the account of the publick good of the Commonwealth, that the life of King *David* was preferable to the lives of many. 4. It is not said, that His life was better then, and preferable to, the lives of the whole body of the Commonwealth. 5. That metaphorical expression *Lament. 4.* sheweth only how useful & steadable the King would be unto them; even a necessary mean to keep them in a politick life as to a Commonwealth; and so it sayeth that, his whole designe as a Magistrate should be to procure their good. 6. *Moses* a good Prince did preferre the Peoples life unto his owne: and *David* did the same 1 *Chron* 12: 17. and these do abundantly confirme our sense. He replyeth further; That it was no wonder that among the *Romans* from whom we have this axiome, the Peoples saifty was the principal law, seing in that democratical government, the People were the Supream powers. *Ans.* This is but a meer shift; for even in a democrat. governm. the Peoples saifty is distinguished from the Supream power which is to level all to this maine end, the saifty of the People. 2. *Cicero* told us that the Consuls and Prætors were bound to propose this end unto themselves; & so we finde that the People, whose saifty is the Supream law, are distinguished from these who, whether in a Popular or Aristocratical govern. exerced the supream povver. 3. This same is insert in the law of the XII tables, & so it was in force whatever forme of government was exerced. But sayes he *Præf. 9. §. 19.* Hence it will not follow, That People may, when they perceive, or cry out that they perceive their libertyes hurt in some things; take armes without the Princes leave, and violate all lawes and duties, and so raise tumults and seditions. *Ans.* Neither do we say so, nor resolve to draw any such conclusions therefrom; but this is cleare, that when the covenanted work of reformation is overturned, laudable lawes establishing the same, contrary to oath, and solemne Engagement, rescinded, libertyes palpably violated, People in humanely persecuted for adhering to their Covenants, &c. and unjustly oppressed by the Kings emissaries, peopl may then take armes in their own defence, though the King should refuse to consent, or should countenance the oppressours, & carry on

on that inflaving course. Again, he sayes let any read, and read over again that sentence of *Cicero* and search every part of it, where will he finde any vvarrand for Subjects to rise up against princes, to injure them or dethrone them. *Ans.* We do not intend to search the sentence for that end, it will suffice us, if hence we finde ground to conclude the lawfulnessse of Peoples defending themselves against tyrannizing Princes, in cases of necessity: and let him, or any for him, read, and better read that vvhole period, and narrowly consider and examine every sentence and vvord in it, and see if he can finde this condemned.

Ere I come to speak to the other particular, I shall from this draw some few things useful for our purpose, and,

1. It is irrational, and meer flattery to cry up and exalt the Soveraignes prerogative, in prejudice, and to the destruction of that, for which both He and His Prerogatives are, and were appoynted, as subservient meanes, *the safety of the People*. That being *de jure* his maine end, and it being for this cause and end, that he is endued with such power, and hath such privileges and prerogatives conferred upon him, and allowed unto him, He and his Prerogatives both, should vaile unto this Supream Law *the safety of the People*: so that when they come in competition, The Peoples safety *of right*, is to have the preheminence.

2. Since all other lawes municipal, made and established in a free Realme, must be subordinate unto this Principal, and Cardinal law, and have a tendency to promote, corroborate and establish it: Then, when any of these Lawes, in their letter, strick directly at the root of the safety of the People, and toward and crosse that maine and highest law, That law is *Ergo* null, and really no law. So that it is but childish scrupulosity, to start at the letter of a law, when the Commonwealth is in hazard: and it is but brutish ignorance to object the letter of a law against such as are endeavouring the safety of the people, which is the maine businessse, and to preserve the Commonwealth from ruine, and destruction, against which no law is, or can be, of any force

force or value, but null and of no effect, for here it holdeth true, that *summum jus is summa injuria*.

3. Since Lawes themselves, when in their letter they crosse this maine law, must be accounted as no lawes really, and *de jure*; and may safly be neglected and passed over, when the Peoples safty is in no small hazard by the strick adhering to the letter thereof: Then, much more may punctilioes, and law formalities be laid aside, when the Commonwealth is in danger. When there is a fire in a City, all the formalities of order are not strickly to be observed.

4. Since The privileges, and lawful prerogatives of the Sovereigne must vaile, in cases of necessity, unto this High and Supream Law, *the safty of the People*. Then no lesse must the privileges of a Parliament yeeld unto this: for whatever privilege they enjoy, it is in order to this end, and the meanes must alwayes have a subserviency unto the end, and when they tend to the destruction of the end, they are then as no meanes unto that end, nor to be made use of for that end.

5. Though King and Parliament both should conspire together against the good of the Land, yet *de jure* they have no power or authority to destroy that End, and whatever they enact or doe, tending to the ruine of this maine and principal good, which they should have before their eyes, is their end, is *ipso facto* null.

6. When acts and aetings of King and Parliament tend directly, and are made and done of purpose, to destroy and overthrow the work of reformation in doctrine, worships, discipline and government; which was owned, and established by lawes, with all formalities of law, and was vowed by solemne vowes, Covenants, attestations, protestations, declarations, and engagements of all ranks of People, from the highest to the lowest: and courses are aid doune, to force and constraine People to renunce their Covenant with God, to turne perjured apostates; and when by acts and aetings, the fundamental tearmes & conditions of our reformed constitution, confirmed by unrepelable lawes,  
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by the King's accepting of his Crowne and Scepter, and all other Magistrates accepting their places, upon these termes, are overturned; and when by an arbitrary and illegal tyranny, no man hath security for his life, his lands, his liberties, nor his religion, is not the safety of the People in danger? No man needs to say who shall be judge, The Magistrates or the people? For all who have eyes to see may judge, whether the Sun be shineing or not, and all who have common sense may judge in this case. When these things are done and avowed, they cannot be denyed, and no man of reason or religion will deny the inference.

Hence then it is cleare, that no man in reason can condemne the late act of defence, which was the only meane left for preserving of that which all government and Governours should level at, viz. *The safety of the People, both in soul and body*; their Religion, Lives, Liberties, Privileges, Possessions, Goods, and what was deare to them as men, and as Christians, howbeit it wanted the formality of the authority of Soveraine, Parliament or Councel. No man who will not deny this axiome, can condemne them as Traitors, seing they were noble Patriots and loyall to that Supreamelaw, *The safety of the People*.

As to the other particular, concerning the absolute power of the Soveraigne, We say.

1. That the Soveraigne is under obligations to his People, and bound & limited by conditions, we have shewed above: which conditions he is bound to observe, see *Hoen. Disp. Pol. 9.*

2. That the Soveraigne is not exempted from the lawes of God, none but profane gracelesse vvreatches will deny; since he is a creature of God's and a subject to him, and his servant, *Rom. 13.* and therefore must not transgresse his lawes, under the paine of high treason and læse Majesty. It was but a base saying of an impudent whore *Julia* to her step sone *Antonius Caracalla*, *si libet licet, an nescis te imperatorem esse*, and no lesse impious was that saying of *Anaxarchus* to *Alexander the Great*, when he had Killed *Clitus* in a rage *Nescis adfissrem jovi justitiam, & fas esse quo quicquid actum*.

*dominanti*



*dominante fuerit, id jure & fas sit*, as if for sooth *Alexander* could do no wrong. It was an abominable saying of these judges to *Cambyfes*. That though they could finde no law permitting a brother to marry his sister, yet they knew of another law, whereby it was lawful to the Kings of *Persia* to do whatsoeyer they pleased. All *Divines* will grant this: and so do *Lawyers* and *Politicians*: See *Bodine de Repub. lib. 1. cap. 8. Hoenon. Disp. Polit. 9. Thes. 7. Paul. Voetius Iurispr. Sacra. Gerhard. de Magistr. Polit. §. 119. Althus. Polit. cap. 19. n. 9, 10, 11. Timpl. Polit. lib. 5. cap. 1.* Our *Surveyer* grants this, pag. 57, 58. and elsewhere.

3. Neither is he exempted from the Lawes of Nature and Nations; for the law of nature is the very Law of God, and God hath no where Subjected his Law unto the vwill of Princes.

4. Neither is he exempted from all the civil Lawes, sayeth *Hoenon. ubi supra*. For, sayes he, many civil Lawes are but declarative of the Law of nature, and consecratoryes thereof, and vwhat povver he hath, he hath from the People, and the People are certanely bound by these Lawes: Yea as *Boxhornius* sayeth, *Instit. Polit. lib. 1. pag. 33. Principi tantummodo licet quantum populus ei voluit licere*: No more is lawful for him then the People will. The *Surveyer* in the forecited place sayeth, [ *It is a Royal thing for a King to live by the same good Lawes, which are given by him to the People, and it is of efficacious influence upon them; to move them to walk in their duties orderly: Rex tenetur servare Leges, si non ut Leges tamen ut rationes.* But he might know that our King is bound to observe the Lawes, even as Lawes, and must pay his debt, and submit to the decision of Judges as well as others.

5. Our *Surveyer* confesseth, Pag. 75, That the King is bound before God to rule his People according to the Law of God, of reason and nature; yea and to take his directions in government, from the rational Lawes of the Kingdome (which are deductions from, or determinations of, the Law of God, reason and nature, to particular circumstances) agreed to by the consent and good likeing of his People. Hence it followeth, 1. That he cannot dispense,  
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by his prerogative Royal, with a just Law, according to his sole pleasure, and so pardon such as deserve death? 2. He cannot kill and slay whom he will, but according to law. 3. Nor can he alone make lawes. 4. Nor can his will stand for a law. 5. Nor is he the sole interpreter of the law. 6. Nor in interpreting of the law, hath he a dominion over it to expone it as he wil: for if these be not granted, it cannot be granted that he is bound to rule us by the Law of God, of reason, and of nature, or by the Lawes of the Kingdome, but according to his meer will and pleasure.

6. It must be a most unreasonable thing to say, That the Soveraignes power is absolute, which Royalists contend so much for, and say that he is above all law of man; for then he might do what he pleased without controle. But 1. did ever the People set a Soveraigne over themselves, upon these termes? Did ever People set him over themselves to rage at randon, to kill, murther, massacre, and do what seemed good in his eyes? 2. Their condition should necessarily, be worse after the constitution then it was before. 3. The saifty of the People should not be the supream Law. 4. He might then break all bonds and oathes, and keep no conditions which he had made. 5. If so, a Prince as a Prince, should be a great plague and judgment to a People. 6. All his Subjects should be formal Slaves unto him, their lives & all they have should be at his devotion. 7. He should not then be the Servant of God for the good of the People, contrare to *Rom. 13: 4*. 8. If this power agree to him as King, then it is from God, and so God should give him a power to sin and tyrannize, which is most false. 9. Then there could be no Tyrants. 10. Yea a King as a King, should be a Tyrant *in actu signato*, and a Tyrant should be nothing but a King *in actu exercito*. 11. Yea if so, they might not so much as be rebuked by the messengers of the Lord, for their enormities, contrare to the many instances in the Old Testament of Prophets rebuking Pinces 12 if his power wer absolute, lawes would become no lawes, neither wer there need of lawes, nor should the making of lawes be mean

meane to promove the good of the Realme: all which are most absurd.

And as for our King That he hath no such prerogative Royal, as puts him above all limitations is already sufficiently evidenced by *Lex Rex* and by the *Apology* though this *Surveyer* is pleased to say *Pag. 11*. That *his prerogative Royal is dispured downe most weakly and foolishly in the Apology*: Yet he will not see so much weaknesse and folly there, as he imagineth, when ever he cometh to handle that disput. But I grant it is easier to him to say, that all is weak and foolish, which pleaseth not him, then to undertake the confutation thereof. It is enough to him, that he shew his teeth once, and then run away. But if he will afterward undertake that debate, let him consider the particulars there mentioned, and also these 24 particulars Mentioned by *Lex Rex. Quæst. 23. pag. 205. 206*. Unto which I shall adde (that he may make one work of all) these particulars, which will further serve to confirme what is there said, and prove our poynt.

1. As it is not proper and peculiar to the Kings of Scotland to make lavves, and to explaine and interpret lavves: so nor is it peculiar unto them, to appoynt punishments unto transgressours, & to liberate and free from the stroke of the lavv, As the late Parliament declared by their deed, in murthuring some, and in liberating others guilty of Treason, more then such as vveré executed: and this by politicians is made a part of the Sovereignty See *Bodin. de repub. (mihi Edit. Gall.) pag. 236. Volgm. in Synop. de jure principum, pag. 58. Hoen. Disput Polit. pag. 124. Timpl. Polit. Lib. 5. c. 1. q. 2.*

2. The last appeal cometh not alwayes to our King: and yet this is reckoned among the royal prerogatives by *Bodin bi supra, Pag. 321. and Hoen. Pag. 127. Timpl. Pol. Lib. 5. Cap. 1. quæst. 2.*

3. It is not proper and peculiar to the King to appoynt new mpsts, customes, and taxes: but Parliaments do this, *Act. 277. Parl. 15. Jam. 6. c. 2. Parl. 23. Jam. 6. Act. 1. Parl. 1. har. 1. and act. 14. 15. of the same parl. act. 13. parl. Anno 661. Charl. 2. and this is reckoned by the forementioned*

politicians among the prerogatives. *Volgm. pag. 57. Hoern. pag. 129. Bodin. pag. 244. Timpl. ubi supra.*

4. Nor doth it belong to him alone to appoynt the value of money, as is cleare by our acts. *act. 67. parl. 8. 1am. 3. act. 93. 1597. parl. 13. 1am. 3. act. 23. parl. 1. 1am. 1. act. 33. parl. 8. 1am. 2. act. 59. parl. 13. 1am. 2. act. 2. parl. 1. 1am. 4. act. 17. parl. 2. 1am. 4. act. 40. parl. 4. 1am. 4. act. 17. parl. 1. 1am. 6. act. 20. of the same parl. act. 249. parl. 15. 1am. 6. c. 9. parl. 16. 1am. 6. & yet the forecited authors reckon this also, among *jura Majestatis.**

5. He must not rule us by his meer will, but by the lawes of the land, *act. 79. parl. 6. 1am. 4. act. 130. 131. parl. 8. 1am. 6. and not by any special grant or privat privileges act. 48. parl. 3. 1am. 1.*

6. He is not the proper judge of all causes in the first instance *act. 45. parl. 2. 1am. 1. act. 62. parl. 8. 1am. 3.*

7. Some causes are fully exempted from his judgment and determination *act. 105. parl. 14. 1am. 3.*

8. The Lords of the Session may finally decide causes, according to the *act. 65. parl. 3. 1am. 1. without any liberty granted to the party to appeal to the King act. 63. parl. 14. 1am. 2. and this privilege of the Session is ratified act. 93. parl. 7. 1am. 5. act. 1. parl. 2. Mar. act. 170. parl. 13. 1am. 6. act. 183. of the same parl. act. 211. parl. 14. 1am. 6. act. 23. parl. 1. Carol. 1. act. 23. parl. Anno 1661. Charl. 2. Yeath judges are allowed to discern according to equity notwithstanding of any write of the King's to the contrary, *act. 9. parl. 6. 1am. 6. act. 47. parl. 11. 1am. 6. act. 79. of the same parl.**

9. He is limited in granting remissions *act. 46. parl. 1. 1am. 1. act. 51. parl. 3. 1am. 1. act. 75. parl. 14. 1am. 2. act. 4. parl. 6. 1am. 3. act. 94. parl. 13. 1am. 3. act. 62. 1563. parl. 6. 1am. 6. act. 174. parl. 13. 1am. 6.*

10. He is limited in alienating of lands, possessions or moveable goods *act. 2. parl. 1. 1am. 2. act. 41. parl. 1. 1am. 2. act. 70. and 71. parl. 9. 1am. 3. act. 112. parl. 1. 1am. 3. act. 5. parl. 1. 1am. 4. act. 10. parl. 2. 1am. 4. act. 22. ejusd. parl. act. 50. parl. 4. 1am. 4. act. 90. parl. 6. 1am. 4. act. 8. parl. 6. 1am. 5. act. 115. and 116. parl. 7. 1am. 5. act. 6. parl. 1. 1am. 6. act. 176. parl. 13. 1am. 6. act. 159. ejusdem parl. 1.*



203. and 204. *parl.* 14. *Iam.* 6: *act.* 236. *parl.* 15. *Iam.* 6. *act.* 242. and 243. *ejusdem parl. act.* 1. *parl.* 16. *Iam.* 6. *cap.* 4. *parl.* 23. *Iam.* 6. *act.* 10. *parl.* 1. *Carol.* 1.

11. So is he limited in erecting Royal brughs *act.* 43. *parl.* 11. *Iam.* 2.

12. He is limited in appoynting publick offices for administration of justice, *act.* 44. *parl.* 11. *Iam.* 2.

12. He may not passe gifts, signatures, or remissions, but with the consent of the privy Council, *act.* 12. *parl.* 2. *Iam.* 4.

14. He hath been oftentimes admonished of his duty by the Parliament: see *act.* 23. *parl.* 1. *Iam.* 1. *act.* 5. and 6. *parl.* 3. *Iam.* 2. *act.* 14. *parl.* 6. *Iam.* 2. *act.* 92. *parl.* 13. *Iam.* 3. *act.* 8. *parl.* 2. *Iam.* 4. *act.* 29. *parl.* 3. *Iam.* 4. *act.* 17. *parl.* 1. *Iam.* 6.

If this *Surveyer* hath a minde to defend the King's civil prerogative royal, or his absolute power, Let him take all these particulars to his consideration: but we goe on to our purpose.

From what hath been said concerning this limited power of the Kings we draw these particulars for our purpose.

1. If the King be a limited Prince, Then he may in some cases belawfully resisted. *Gerhard* himself *de Magistrat. pol.* §. 484. *pag.* 1303. in answering of that quæstion what shall Subjects do, if a Magistrate, who is an infidel or an hæretick, doth force them unto a false religion, sayeth That *such a Magistrate who hath absolute and unlimited power, and is under no compacts may not be resisted, by such as are meer Subjects*: So that he would grant in this case That it is lawful, for meer private Subjects to resist a limited Prince, who is bound by compacts and contracts. It is true when he cometh afterward to speak of resisting a Tyrant, and proponeth the quæstion §. 486. whether such who have absolute power and turne Tyrants may be resisted, after he hath cited some sayings of Papists, he tels us §. 487. That all the arguments of *Lutius Brutus*, *Rossius*, *Bucherius* are solidly answered by *Barclaus Albericus Gentilis*, *Cunerus* and *Armsaus*, and this passage our

*Surveyer* bringeth in *Pag.* 89. But who seeth not, that it cometh not at all home to our purpose, seing our King is not a King of absolute power, though he hath his Kingdom by succession, but is limited by conditions, and stipulations. And further every one may see the weaknesse of *Gerhard's* reasons, and how inconsistent he is with himself; For, 1. Sayeth he, such is only under Gods jurisdiction. But alas 1. May not I resist a person, vvhho is not under my jurisdiction? 2. Royalists will say the same of all Princes, even *Barclaus* and *Arnisaus*. Againe he sayes The People have translated their whole power unto such a Prince & cannot recall it. But 1. They have never translated over unto him a power to inflave themselves, for that was not in their power to do. Nor 2. Could they ever give away the power of self defence, which is their birth right. 3. Sayes he, Subjects, in this case, want God's command and a Superiour power. But 1. They have God's command in nature, no lesse then these who are under limited Princes. 2. They have a superior virtual power in cases of necessity, 4. Sayes he, He is a Father of the Republict and not a Tutor only, and therefore as Children have no power over their Parents, no more have Subjects over their Princes. But, 1. Are not even limited Princes, as well Fathers to the Commonwealth? So that by this argument, it shall be as unlawfull to resist these, which he will not say. 2. Yea such absolute Princes Look rather to be Tygers, and stated enemies unto the Commonwealth, then Fathers. 3. They have no proper Parental power, as we shewed, but Metaphorical. 4. Even natural parents may be resisted *Ergo* much more they. 5. We are not speaking of giving judgment against Tyrants but of resisting of them: and if he grant this, vve have our desire. And his question vvas touching resistance §. 485. *Quest.* 4.

2. A Limited and pactional Prince may be legally resisted, *Ergo* also with force when a legal resistance cannot be had. The antecedent is true and no *Scottish* man vvill deny it, as to our King: For if he or any for him should pretend a right to their inheritance and intend an action of lavv against them, they may defend themselves by lavv; or if he should  
take

take possession vvithout a sentence of lavv , They might pursue him and his tennants , or vvho ever came in his name , to take violent possession , and procure letters of ejection , and the like : Yea by force they might vvithstand any that should come to take violent and illegal possession . The consequence is hence clear , That vvhatsoever ground a man hath to defend his rights and possession by lavv , the same ground he hath to defend his right by force , vvhen he cannot use the legal meane ; for if the King had real right , and not he , unto vvhat he possesseth , it vv ere as unlavvful to vvithhold the King from possession of his ovvne , by quircks of lavv , as by force . Againe , This legal resistance is no resisting of the Ordinance of God , but of the man , vvho seeketh to enjure . No more is this violent resistance a resisting of the ordinance of God , but only of the man , vvho abuseth his povver . Hence ,

3. If the King have not absolute power to do and command what he will : Then , when he crosseth the rules prescribed by God's law and Man's law , without any injury offered to the ordinance of God , he may be resisted by his Subjects , over whom he thinketh to exerce an absolute , arbitrary and tyrannical power . The reason is because . That power , which is not the ordinance of God , may be resisted , without the least injury done unto the true ordinance of God . But this absolute power is no ordinance of God , it is not appoynted of him , nor allowed of him . Therefore , &c . But say Royalists , Though that absolute and Tyrannical power be not simply from God ; yet it is so from God , that no man can lawfully resist it *Answ.* I If it be so from God , as that it may not be resisted , then it is from God , and is the ordinance of God : for it is the ordinance of God that cannot , must not , be resisted . But sayes the *Surveyor Pag.* 37 . *[It may be easily seen that subjection to the power (opposite to resistance) is all alongs enjoyned ( viz. Rom. 13.) whether the power be rightly used or otherwise : If it be rightly used , subjection without refusing active obedience is required : if it be not rightly used , subjection without resistance , violent or forcible repelling of the power , is required upon this formal reason and ground ; Because even when the power*

is abused, it remaines a power ordained of God; (a'though the abuse of it be not ordained) even as a man's eye remaines his eye, although sometimes it is not rightly used. The formal reason of the subjection, and non-resistance pressed, is not the right use of the power, but because it is a power ordained of God (however perverted in the use by man)

Ans<sup>r</sup>.] 1. By this mans doctrine, The King might not be resisted if he should turne another *Nero* or *Caligula*, or should deal with us all, as the *Turk* doth with his subjects, or the King of *Spain*, with his slaves in *America*. If he should fill ditches with his living subjects, and to satisfy his lust and pleasure should tumble them be thousands downe a precipice into the midst of the sea: yea though he should bring in an army of *Turks* or *Tartars* to destroy all his subjects young and old; Though he should sell and give away the whole land unto the *Turk* or any forraigne Tyrant, and become the most habited notour and compleat Tyrant: and should against all appearance of law, manifestly seek the destruction of the whole land, man, wife and childe, and of the very being of religion, according to law, and of all known libertyes, and should force and compel, with armed heathens, all his subjects great and small, to offer sacrifice to the Heathen Gods; and the like: For in all this and the like, there is but an abuse of the power, and the power is still of God how-ever it be abused, and because it is a power ordained of God, this abuse must be submitted unto, without the least resistance, is not this sufficient to make all men abhorre this man's principles? 2. He must say that it is not possible to resist the abuse of the power, but the power it self must be resisted, and so, such as do resist the most dreadful tyranny imaginable, do resist the ordinance of God, which is most false and absurd. 3. If the abuse of the power be not from God, then such as resist this abuse, do not resist that which is ordained of God, but that which is not ordained of God. And therefore resisting of the abuse of the power, is no resisting of the ordinance of God. 4. Subjection is only required to that which is the ordinance of God, because subjection is required when and where, and so far as resistance is prohibited: Now resistance to the ordinance of God, is  
only



only prohibited, and not resistance to the carnal and bloody lusts of men, which is rather the ordinance of the devil than the ordinance of God. 5. The vvrong use or abuse of the eye may be resisted, hindered, and obstructed, without any injury done to the eye it self. So may the wrong use or abuse of Magistratical power be resisted, without any vvrong done unto the povver vvhich is of God. 5. It is false to say that all resistance of the abused power, is forbidden upon this formal reason and ground, because even when the power is abused it remains a povver ordained of God: Because the abused power is not at all ordained of God, nor never vvas, it is no part of that povver vvhich God ordained: a povver to murder the innocent, to kill the vvidow and fatherlesse, and to oppresse the people of God, is not of God: God never appoynted that povver of *David's* to murder *Uriah* and to commit adultery vwith *Bathshebah*. These vvere no acts of the Magistratical povver ordained of God, but acts of lust and vickednesse. 7. If this reason hold good, we must never resist by refusing active obedience, let him command what he will: for his sinful and unjust commands are but the abuse of that power which is ordained of God, and the power even when abused by giving out edicts, and mandats, according to this man) remaineth a power ordained of God, as a man's eye remains his eye, though sometimes it is not rightly used. Now how will he loose his owne argument? what ever answere he give here, it will help us out. Sure, if a man may refuse obedience to an unjust command, of an abused power, without doing injury unto the power which is ordained of God, it will be no lesse cleare, that a man may refuse subjection to and resist abused power, without doing hurt unto the power which is ordained of God. And I Desire that the Reader vwould seriously notice this, and see how all he objecteth is answered by it, & the wicked insnared in the vwork of his owne hands.

4. If the King have not absolute power, but be limited both by the lawes of God, and by the lawes of Man: Then when he transgresseth the bounds prescribed to him, he may be resisted. The reason is because, He who is no Ma-

gistrate may be resisted. But the King going beyond his bounds is no Magistrate. Therefore he may be resisted, The proposition cannot be denied: for he vvho is not a Magistrate, is not that ordinance of God, which we are forbidden to resist. The assumption is granted by *Armenius de aurb: princi. c. 2. n. 10.* saying, *Dum contra officium facit Magistratus, non est Magistratus, quippe a quo non injuria sed jus nasci debeat.* while the Magistrate doth against his office, he is no Magistrate; because a Magistrate should do no wrong but right, *l. nimmerine 6 c. unde vi. c. quod quis 24.*

5. If the King's power be not absolute, and if he cannot do whatsoever he pleaseth: Then when he makes his lust a law, and followeth the dictate of his tyrannical corrupted will, he may be resisted: because, what power he never got from the People to exercise, if he exercise it, he may be, by them resisted. But the People never gave him a power to rule as he listeth, and to do what his mislead understanding and enraged will did prompt him to do. *Ergo* they may resist him when he exerceth no power given him, but a power assumed to himself, through the corruption of his heart and wicked will.

6. If the King's power be not absolute, then the People are not denuded of the power of self defence. Royalists and such as trade their steps think, that an absolute prince or a prince *integra Majestatis*, as they call him, hath gotten all Power from the People, even that power of self defence (which yet is false) but though this were granted, it will not follow, that a limited Prince hath got away that power of self defence from the People, and left them naked to his tyrannical will, to be disposed of, as he thinketh good.

7. The King's power being limited, and not absolute sayes that, by the constitution and limitation, more regard was had to the security of the People, then to the King's meer will and pleasure; and that the Kings meer will and pleasure should not be followed, but resisted, when thereby the good of the People and their safety vvvas in hazard: a man is bound to look more to the end then to the means and to hinder such things as are destructive of the end.

8. If the King's power be no absolute; then the Parliament's power is not absolute: And if the King may be resisted in cases of necessity, because his power is not absolute: Then the Parliament also may be resisted, upon the same ground, when they do violence and oppress the innocent: And if the Parliament may be resisted by Subjects, then it cannot be unlawful for Subjects, in the cases of necessity, to defend themselves against the unjust violence of their limited Prince, albeit they want the concurrence, countenance and conduct of a Parliament or Publick Representatives.

9. If King and Parliament both be limited, they cannot make what lawes they wil. Nay, themselves declare that they cannot make any particular act or ratification in prejudice of the lawful rights of a third party, and therefore in the end of their Parliaments or Sessions of Parliaments they usually passe an act *salvo jure cujuslibet*. And if their particular acts are of no force, in so far as they prejudice the rights of a third person, nor to be submitted unto nor obeyed, Then their other acts made in prejudice of the glory of God, of the good of his Church, and of the interest of Christ in the land, are of no force, nor to be obeyed and submitted unto: and, if in the former case particular persons are allowed to defend their rights, notwithstanding of these acts: Then much more may private Persones be allowed to defend Christ's rights, and their owne rights, as to their soull & consciences, notwithstanding of any act or law general or particular made to the contrary, the best way they can, when all formal legal ways are taken from them.

10. If the King be not absolute. He cannot execute the Lawes made, according to his owne lust and pleasure; nor may any inferiour judicatory do so: For that is a piece of tyranny: and when he or they, following their owne tyrannical wills, transgresse the Lawes and Bounds prescribed, and take an arbitrary way of executing their cruelty, They may in that case be resisted: Because that power is no proper magistratical power, but tyranny, and an arbitrary ebullition of rage, no power ordained of God, but the lawlesse will of corrupt creatures.

11. Since



11. Since He hath not absolute power to execute the Lawes after an arbitrary manner according to his owne lust & pleasure, if when he is doing so, he may be resisted; then much lesse can he Impower his Emissaries with an arbitrary, tyrannical, lawlesse cruelty, under pretence of executing the Lawes; or if he do, the resisting of such in that case, can be no resistance of the Ordinance of God. Neither God nor Man ever gave him power to conferre on others a Lawlesse license to oppresse, rob, spoile, plunder & tyrannize over innocents. And therefore the resisting of such bloody executioners, without any lawful power, tyrannizing over the subjects, can be no sin or rebellion, condemned by God or his Law.

12. Since the King may not by an absolute power command what he will. His Subjects are not bound to an absolute obedience, but alwayes in the Lord: It being better to obey God then Man; and when his Subjects are not bound to obey, he cannot lawfully inflict punishment on such, as contraveining his Lawes, obey the Lawes of God: Because just punishments are for transgressions of just Laws: And when he inflicts punishment where God alloweth a reward, he goeth directly against his commission, which is to be a terrour to evil works, and not to good *Rom. 13: ver. 3.* And when a Servant, or publick Messenger goeth contrare to his commission, it is no disloyalty to the King, to refuse subjection unto such. So nor is it disloyalty to the King of Kings, to refuse Subjection unto his Minister, when he runneth crosse to his ovvne expresse commission. And therefore the Late Act of defence, being the defence of innocents in the case of extreame and inevitable necessity, against illegal commissions, contrary to the Law of God, cannot be branded vvith rebellion, but accounted an Act of lawful self-defence.



## C A P. IX.

Of the Peoples Power in the work of  
Reformation. Our Argument hence.

**T**He Author of *Naphtaly*, Pag. 18, 19. had these words,  
*[As we have already cleared, that in case either the People, or  
any part of them be violented to a compliance, or be wickedly perse-  
cuted for adhering to God, in the profession and practice of the con-  
trary duties, they may lawfully defend themselves, and are mutu-  
ally bound to assist and deliver one another: So it now comes to be  
considered that, (being the maintainance of truth, and the true  
Worship of God, were and are the principal ends and motives of con-  
tracting of Societies, and erecting of Governments, whereunto both  
the People and Rulers, are not only separately every one for himself,  
but jointly obliged for the publick advancement and establishment there-  
of: And that God doth therefore equally exact, and aveng the sin of  
the Rulers only, or of the People only, or of any part of the People  
only, upon the whole body of Rulers and People, for their simple Tole-  
rance and connivance, without their active compliance with the trans-  
gressours; of necessity, both from the principles deduced, and from the  
most visible judgments of God agreeable thereto, there must be a supe-  
rior and antecedent obligation to that of submission, incumbent upon  
all both jointly and separately, for the maintainance, vindication,  
and reformation of Religion, in order to the promoting of these great  
ends of the publick profession of truth, and true Worship, which the  
Lord doth indispensibly require.]* By vvich any, vvho  
read vvith judgment and attention, and consider vvhat pre-  
ceedeth, and vvhat follovveth, may see vvhat vvvas that Au-  
thors scope and intention, *viç.* to shew in few vvords, the  
lawfulnessse of Peoples standing to the maintainance and de-  
fence of truth, and the true Worship of God, vvhen vio-  
lated and enjured by these, vvho, by their places and call-  
ings, should endeavour the establishing and perfect security  
thereof, both from adversaries vvithin and vvithout; as vvell  
as to the defence of their persones and libertyes, vvhen wick-  
edly persecuted for adhering to God: And that, as it vvvas  
not

not his scope and intention ; so nor will the words give ground to any ( vvho is not utterly blinded vvith prejudice, and resolved to pervert the fairest and smootheſt expreſſions that can be uſed , to the end they may pervert truth , & deceive the ſimple who readily beleeeve every thing ) to think that he pleadeth for any magiſtratical authority , and povver to give out mandats , and enjoin execution upon tranſgreſſours in poynt of reformation of Religion , unto privat perſones: Far leſſe, that he pleadeth for a povver due unto them, to riſe againſt , and throw downe King and all Magiſtrates , ſupreame and ſubordinate , and to uſe the vindicative puniſhing & reforming povver of the ſword , even in caſe of deſection in matter of Religion . If any vvill but look to the end of that Paragraph , they ſhall ſee this fully confirmed , vvhere he is applying vvhat he had ſaid , to the purpoſe he vvvas upon , viz. in vindication of vvhat vvvas done by our firſt Reformers , in the dayes of *Mr Knox* ( of whom only he is ſpeaking in that part of his book ) for thus he ſpeaketh [ *and had not our Reformers great reaſon to feare and tremble, leaſt the manifeſt toleration of proud cruel and flattering Prelates , who had perverted the lawſul powers into bloody perſecutors ; and of idolatrous Priests , whoſe wickedneſſe and idolatry had corrupted the whole Land , might involve not only themſelves , but the whole Nation in deſtroying and overflowing indignation.* ] Was there any ſuch thing pretended , or aſſumed by theſe Reformers , but a power to defend , and maintaine the true reformed Religion , and their reformed Preachers , againſt the malice of powers perverted and enraged againſt them , by the bloody and peſtilent counſel of theſe idolatrous locuſts , and to hinder open and avowed idolatry , which provoked God againſt the whole Land ? Did they ever arrogate to themſelves the magiſtratical , vindicative , puniſhing and reforming power of the ſword againſt all Magiſtrates Supreame and Subordinate ? Or doth *Naphhtaly* ſay any ſuch thing ? And yet this *Surveyer* becauſe he cannot confute what is there nervouſly vindicated , aſſerted and demonſtrated ; That he may not be ſeen to do nothing for his hire , he will thrav *Naphhtaly's* words as he thinketh beſt , and falſly

and most impudently assert Pag. 83. That *Naphthali* sayeth [Any party of meer private persones may rise against, resist, throw down King and all Magistrates, Supream and Subordinate; and in their *phinehas*-like motions, use the vindicative, punishing, reforming power of the sword, especially in case of defection in matter of Religion: and that there is a joynt obligation lying upon the people, and every party thereof, to vindicate and reforme Religion, in a publick punitive way, even against all Magistrates and Nobles, and against the plurality of the people. So that if any part of the people do think the Magistrates, all of them, or the plurality of the people, patrons of abominations, any private party that think they have power enough, may flee to the vindicative, punishing and reforming sword, and fall upon all Rulers and others, whom they think to be in a defection, and will boldly say that in truth they are so.] Who seeth not what perverting of truth is here? When *Naphthali* only asserts, that in case the Magistrate, to whom the vindicative, and (in case of backslideing) the reforming power is committed, and who should make this his maine work, shall turne the principal perverter, and chief patron of these abominations, some other thing is required of the people then submission, & there lyeth upon them some obligation antecedent to that, even an obligation to the maintainance, vindication, and reformation of Religion: Which may be, and is, something distinct from that vindication and reformation, which is incumbent on Magistrates, even a vindication and reformation, by way of maintainance of the received truth, and hindering of idolatry and blasphemy, or what is dishonorable to God, pernicious to the commonwealth, & opposite to the true reformed Religion: which may be done without arrogateing in the least, that power which God hath committed to the Magistrates: And this is far from using the sword against the Magistrate, and from throwing him down. It is incumbent to the Magistrate, to defend private subjects from Robbers; and if they spoyl and robe a man's house, to recover what is by robbery taken away: but if he neglect this, and rather patronize such Robbers; It is a duty on the subject, to defend his owne, and vindicate and recover his goods, the best way he can: and who will say

say that it is an usurping of the Magistrates sword, whereby he should punish Robbers, defend the innocent, and recover the goods of the spoyled; or a rising up against the Magistrate to dethrone him. There is a private maintaining, vindicating and recovering of goods stolen, which yet is active, and may be effectual: and there is a publick, authoritative and magistratical defending, vindicating and recovering. The other may be incumbent to private persones in some cases, when yet they do not usurpe this. So in the Matters of Religion, there is a private, yet active and real maintaining, vindicating and reforming of Religion when corrupted, and there is a publick, authoritative and Magistratical maintaining, vindicating and reforming. The former may be assumed by private persons, in some cases, without the least hazard of inroaching upon this, far more without the hazard of calling Magistrats to account, judging, condemning, and dethroning them, and the like.

Having thus cleared how little ground he hath, to cry out so against *Naphhtaly* and his party, as the sanguinary faction (as he doth *Pag.* 83.) and to prosecute that dispute as he doth in the following *Pages*, we will not have much difficulty in answering what he hath said: but first let us prosecute our owne businesse, and shew what real power People have, without their Magistrats, in the maintaining and reforming of Religion: And,

1. It is lawful, yea necessary, for every private person whether the Magistrates Superiour and Inferiour give their countenance, concurrence, or consent thereunto, or not to purge their hearts, and reforme their lives, and to walk in all the wayes of God's Commandements. Our *Surveye* himself granteth this, *Pag.* 84. for sayes he, *every one is bound to amend one, and so all will be more easily amended.* Very true And if this were done, our work were at an end, and himself would be a Hangman to his owne pamphlet, unless he think himself exeemed from that duty of reformation and that he hath a dispensation to lie, slander, calumniate and blaspheme the work, wayes, and People of God.



2. It is the duty of all private persones, notwithstanding what idolatry, superstition, or any other corruption in the worships of God be established by authority, or countenanced and encouraged; or conformity there to pressed, to keep themselves pure from such courses as provoke the eyes of God, who is a jealous God, and will not give his glory to another; This is undeniable by all who are not professed Atheists, and who know another God, then a clay creature, and who know that it is better to obey God then a Man. Our Surveyer granteth in the forecited place [*that every one of the people ought to reforme themselves from all real corruptions in the worships of God.*] But, it may be, he maketh this real, an open door for him and his fraternity, to escape by; and so conclude that he and they are arived at the hight of perfection, (because forsooth they are fallen backward, and have a minde to goe backward, and never to advance) and so fall not under the compasse of this duty. But corruptions will be real corruptions; though they account them perfections.

3. It is the duty of private persons to rebuke, admonish, exhort, reprove, observe, edify and provoke one another to love and good works *Lev. 19. 17. Mat. 18. 15, 16. Rom. 15. 13. Col. 3. 16. 1 Thes. 5. 11. Heb. 3. 13. and 10. 24. 25.* And thus instruct one another in the right wayes of the Lord, perswade, move and induce them by motives and arguments, and all meanes possible, to imbrace the truth, and to forsake error, or any false way, Even though the Magistrates should prohibite and discharge this, and by their command and authority should establish error and corruption, and banish truth with their edicts and proclamations. Our Surveyer granteth *Pag. 84. [that no man should say, am I my brothers keeper, but by faithful instruction, warning, reproof, strive to save others from the evil of the time and places wherein they live]* And yet he knowes who are persecuted upon this account, of meeting together for these and such like ends, to strengthen the hands one of another, that they faint not in this evil day, and to save one another from the evils of these times, as

keepers of conventicles , and seditious disturbers of the peace.

4. When there is any corruption in the reformed Religion, whether in doctrine, worship, discipline, or government crept in; or any corrupt sinful practice come in use, and abounding in a land, and these corruptions not only connived at by the Magistrates, but also countenanced, approved and authorized; it is the duty of all the faithful Ministers of Christ, to be laying out themselves to the utmost, in their pastoral functions, for the suppressing of these corruptions and enormities, notwithstanding of any prohibition of the Magistrate, whose power is not privative in this case, to the contrary. Though this be abundantly cleared and confirmed by the practice of all the faithful Prophets and Apostles of the Lord, both under the Old, and under the N. Testament; yet we all know how impiously and tyrannically this is denied to the honest Ministers of *Scotland*, who, lest they should speak any thing against the raging evils and abounding corruptions, both in matters of opinion and practice, which hasten the curse and wrath of God upon the land, and make us ripe for destruction, are not permitted to preach uncontroverted truths, and the undenyable grounds of Christianity. But however this piece of tyranny and persecution be established by law, yet the law of God stands unrepealed & in full force and vigour, & by this law; all who have a trumpet and a mouth should set the trumpet to their mouth, and cry aloud and not spare, and both privately and publicly labour thus to reforme the grievous abuses, that abound in the land.

5. Private persones may, let Magistrates command or discharge what they will, yea are bound to, obey the wholesome exhortations and admonitions of Ministers and others, who faithfully declare the minde of God, and discover abominable corruptions, & crying abominations: & notwithstanding of any law to the contrary, Imbrace, and practise the true Religion, and reject the corruptions. This is certane for it is God's minde and will that his commands be obeyed rather then mans; and if Ministers, and private persons be bound

bound to exhorthe, rebuke, warne, reprove, admonish, move and perswade, it is Peoples duty to hearken to, and obey these good and necessary exhortations, rebukes, warnings, reproofs, admonitions and persuasions. God's minde should be followed, hold it forth who will, especially when it is declared by his Ambassadors, who in a special manner are authorized by him for that effect. We know what a dreadful plague and judgment came upon *Judah* 2 Chron. 36: 16, 17. because they mocked the messengers of God, and despised his words, and misused his Prophets, the wrath of God arose against his People, till there was no remedie. And it was this, which occasioned the Non-churching of the Church of the *Jewes* Act. 13: 46. Sure when Peoples eare is so uncircumcised that they wil not heare, and the Word of the Lord is a reproach unto them, and they have no delight in it, then is there ground to fear the verification of that sad threatning *Ier. 6: 11, 12.* that *Wrath shall be poured out upon the children abroad, and upon the assembly of young men together, so that even the husband with the wife shall be taken, the aged with him that is full of dayes, and their houses shall be turned unto others, with their fieldes, and wives together; for I will breach out my hand upon the inhabitants of the land, sayeth the Lord.*

6 From what is said, it is apparent, that all who vould have peace vvith God, and peace in their ovvne consciences, and joy in the day of their accounts, should imbrace, professe, and practise the truth of God, and the true Religion reformed in doctrine, vvorship, discipline and government, Though King, Parliament, and Council should reject and condemne the same, and countenance, or command and authorize the practice of idolatry, superstition, or any false way in the vvorship of God, or in the doctrine and discipline. For, no lavv of man can vvarrand iniquity, no act or constitution of any Magistrat under Heaven, can rescinde or invalidate the mandats of the King of Kings, or exempt People from obedience due thereunto. No true Christian (whatever court flatterers & atheists may do) can deny this.

7. Nor can it be denied, That in Kingdomes or Commonwealths vvhere once the True Religion, reformed in

doctrine, vvorshipe, discipline and government, hath been received, publickly imbraced, approved and countenanced by authority, ratified by lavves, statutes, acts, declarations, proclamations, oathes, vovves and engagements. Though the Magistrates Superiour and interiour should turne Apostates from that Reformed and received Religion, and by their lavves condemne the same, and establish corruptions, and enforce corrupt practices by penalties; yet it vvhere the duty of all Subjects, vvho had any regard to the matters of their ovvne salvation, to adhere to the truth once received and established, and vvorshipe and Serve God, after the right manner, and refuse to obey these iniquous lavves. Will any deny such a truth as this, except such as have sold soull, consciences and all, unto the lust of Men; or think there is no Religion, but vvhat King and Parliament vvill have, and consequently if they should enjoyne the imbraceing of Mahomet's Religion, or the vvorshiping of Sun, Moon, and Starrs, or of Satan himself, obedience must be yeelded.

8. If in the forementioned case, The Magistrates Superiour and inferiour should combine together, and conspire against Christ and his interest, and should not only, by their acts and statutes, banish him, and his glorious interests out of the Kingdome; but also, by their cruel executions, labour to force, constrain and compel all their subjects or a part of them, to the renunceing of the formerly received and avowed truthes, and to the imbraceing of the introduced corruptions, and so to run with themselves unto the same excesse of iniquity, perjury and abomination: Then it is lawful for these Subjects so oppressed, persecuted and abused for their constancy in adhering to the truths once received, contrare to all engagements, vowes and Covenants, to defend themselves against that unjust tyranny and rage, and maintaine the reformed truth, which is unjustly & violently taken from them, by force, when there is no other probable meane left for them to essay; nay when liberty to supplicate or petition is inhumanely and severely, under the very paine of Treason: discharged



discharged. The reasons are 1. because, we have shewed above, that it is most lawful for Subjects to maintaine their lives, persons, and Estates, against the unjust violence and tyrannical oppression of their enraged Magistrates: And if that be lawful, this must also be much more lawful; for as the soul is much more precious then the body, so matters that concerne the soul, should be preferred to such things as concerne the body. And therefore Religion, which is necessary for the life of the soull, should be with no lesse Zeale, care and industry, maintained and preserved pure and uncorrupted, then what concerneth the lives of our bodyes. 2. It is lawful for Subjects to maintaine their natural and civill libertyes, by force, when no other way can be used, lest they, and their posterity after them, should be redacted unto a state of perfect slavery and bondage, worse then that of the *Isralites* in *Egypt*: And shall it be unlawfull to fight for the defence of Religion, wherein is comprised all true and desireable liberty, and to save posterity from tyranny and bondage in their souls and consciences, much more dreadfull and terrible, then the most insupportable and bitter bondage of the body imaginable? Shall men be allowed to fight to preserve their owne bodyes, and the bodyes of their posterity from the slavery of men, and shall they not be allowed to fight that they may preserve their owne soulls and the souls of their posterity, from the tyranny of Satan? Who but such, as either think they have no soulls, more then beasts, or know not the worth of their souls, will deny this consequence? 3. It is lawful for Subjects to defend their lives and libertyes, in order to the defence of the true Religion, and the interests of Jesus Christs, when their losseing of these should certanely tend to the losse of Religion. *Ergo* It cannot be unlawful to defend Religion, which is the maine and principal thing. 4. If it be lawful to maintaine the interests of a King against an usurper, whether a stranger, or an inferiour Magistrate, who is under the King, and is seeking to eject him and his interest, contrarie to his faith and trust: Then much more must it be lawful, to defend *Christ Jesus* and his interest, when King and Parliament,

contrare to their sworne allaigance unto him, have rebelled, and are seeking to dethrone him, by their wicked Lawes and Ordinances, and to banish him and his interests out of the Kingdome, by their tyrannical cruelty & inhumane and mercilesse executions. Will any deny this but ingrained Atheistical Malignants, whose chief character hitherto hath been, to preferre man's interest unto Christs? Or such as have renounced all faith and loyalty unto the King of Kings, and have set up a creature as their only God, whom they minde to Worshipe and adore, and for whom they minde to fight against all breathing, and against the God of heaven also: But their weapons shall fall out of their hands when They shall *feel the lighting downe of his arme, with the indignation of his anger, and with the flame of a devouring fire, and with scattering and tempests and hailstones, and when he shall cause his glorious voyce to be heard.* If any should Object, That because Christ's Kingdome is not of this World, therefore his Servants should not fight for him. It is easily answered. That, as hence it will follow, that Religion cannot be forced by the sword upon any; So it will not follow that Religion should not be defended; for then Magistrates should not defend Religion, nor Christians should not defend their Religion against the *Turks*. Which is false. And hence, 5. If it be lawful for People to defend their Religion against an army of infidells, Mahometans, or Papists, invadeing the Land of purpose to spoile us of our Religion, and to force us to imbrace heathenisme; Turcisme, or Popery: Then it must be lawfull to defend the same true Religion against King and Parliament, when they seek to rob the People thereof, and force corruptious upon them: because King and Parliament have no more authority from God, to oppresse the consciences of their Subjects, to corrupt Religion, and force corruptions upon them; then the *Turk* or the *Pope* hath: and therefore, no lesse lawfully may they be resisted. 6. If privat persons may resist and withstand the Prince and Parliaments, when they sell them, and their land and heritages, unto a forraigner, to the *Turk* or such an adversary: Then much more may they withstand them, and defend their Religion, when they

they are selling it by their apostatical acts, and thereby selling them and their Souls unto Satan the God of this World.

9. When Religion, by the constitution of the Kingdome, is become a fundamental law, and a maine article and cardinal condition of the established Politie, and upon which, all the Magistrates Supream and Inferiour, are installed in their offices: Then may that Religion be defended by private subjects, when their Magistrates have conspired together to destroy the same; & to enforce the corruptions of their owne braine. The reasons are 1. because, it is lawful to defend the just and laudable constitution of the Realme, & in so far, as Religion, which is a principal foundation-stone of this constitution, is subverted, the constitution is wronged, and the foundations thereof are shaken. 2. In so far, the Magistrates are no Magistrates: And therefore they may be resisted. Magistrates, I say, in so far as they overturne the constitution, are not Magistrates; for that is a maine point of their work, to maintaine it: For upon the constitution hang all the libertyes and all the good and necessary Ends, which People have set before their eyes, in the setting up of government, and His owne being as such; & the subversion of that, subverts all, and declareth the subverter to be an enemy to the Commonwealth, and an overturner of the polity: and this is inconsistent with being a Magistrate. 3. In so far as they overturne or shake the foundations, they cannot be seeking the good of the Community, but their owne, with the destruction of the Common good, and this is the mark and true character of a Tyrant: And when they seek not the good of the Community, they cannot be looked upon as Magistrates doing their duty: but as Tyrants seeking themselves, with the destruction of the Commonwealth. Therefore, in so far they may be resisted. 4. In so far, The compact, the ground of the constitution, is violated, and as Magistrates, in this case, in so far, fall from their right, in so far also, are People liberaed from their obligation, so that if They become no Magistrates, the Subjects become no Subjects; for the relation is

Mutual, and so is the obligation, as was shewed above. Therefore, in this case Subjects, may lawfully resist, and defend their Religion, which is become the principal condition of their constitution, and of the compact betwixt King and Subjects.

10. Where Religion is universally received, publicly owned, and countenanced by persones in authority, ratified, approved and established by the lawes, and authority of the land; There, every person is bound and obliged before God, to maintaine and defend that Religion, according to their power, with the hazard of their lives and fortunes against all, who under whatsoever colour and pretence, seek to subvert and overturne the same; and to hinder any corruption that King or Parliament at home, or adversaries abroad, would, whether by subtilty, or power and force, bring in; and lay hold on the first opportunity offered to endeavour the establishment of Truth, and the overturning of these corrupt courses, which tend to the perverting thereof: And the reasons are, because. 1. When the True Religion is once embraced, and publicly recieved, That land or Commonwealth is really dedicated and devoted unto God, and so in a happy condition; which happy condition, all loyal subjects and true Christians, should maintaine and promote, & recover, when nearby or altogether lost. And therefore, should do what they can, to hinder any course that may tend to recal this dedication, to deteriorate the happy condition of the Realme, and to give up the land, as an offering unto Satan. 2. By this meanes, they endeavour to avert the wrath and anger of God, which must certanely be expected to goe out against the land, if defection be not prevented and remedied: For, if but a few should depairt, wrath might come upon the whole, much more if the Leaders turne patrones of this defection. But of this more in the next chapter.

11. Much more, must this be allowed in a Land where Reformation of Religion in doctrine, worshipec, discipline and government, is not only universally owned, publicly received, and embraced: nor yet only approved, authorized, ratified



ratified and confirmed, by publick authority, and the lawes of the Land. But also corroborated by solemne vows and Covenants, made and sworne unto God, by all ranks and conditions of People, from the King to the meanest of the subjects, in a most solemne manner, and that several times re-iterated: in which Covenants, all sweare to *Maintaine and defend this Religion, with their lives and fortunes, and to labour, by all meanes lawfull, to recover the purity and liberty of the gospel; and to continow in the profession and obedience of the foresaid Religion, defend the same, and resist all contrary errors and corruptions, according to their vocation, and to the uttermost of that power that God puts in their hands, all the dayes of their life: as also mutually to defend and assist one another, in the same cause of maintaining the true Religion, with their best Counsel, bodyes, meanes and whole power, against all sorts of persons whatsoever.* And [Sincerely, really and constantly, endeavour, in their severall places and callings, the preservation of the reformed Religion in doctrine, worships, discipline and government. The extirpation of Popery, Prelacy, Superstition, Heresy, Schisme, Prophannesse, and whatsoever shall be found to be contray to sound doctrine and the power of godlinesse. And to assist and defend all those that enter into the same bond, in the maintaining & pursuing thereof. And shall not suffer themselves directly or indirectly, by whatsoever combination, perswasion or terror, to make defection to the contrary party, or to give themselves to a detestable indifferency, or neutrality in this cause, which so much concerneth the glory of God, the good of the Kingdomes, and the honour of the King; but shall, all the Dayes of their lives, Zealously and constantly, continue therein, against all opposition, and promote the same, according to their power, against all lets and impediments whatsoever.] Now I say, in such a case is this, when after all these engadgments and covenants, a course of defection is carryed on, by a strong and violente hand, by King and Parliaments, and there is no meane left unto Private Persones, when violented and constrained to compliance, by acts, and tyrannical and arbitrary executions, of either preventing their owne destruction in soull and body, or preserving the reformation sworn unto, or recovering the same when corrupted, and of purging the land

of that dreadful sin of perjury and defection. They may lawfully take the sword of just and necessary defence, for the maintainance of themselves and of their Religion. This is abundantly cleare from what is said, and shall be furder cleared and confirmed, when we examine what this *Surveyer* allaigeth against it.

12. Scripture giveth us ground to beleieve, that in such a case as this, when a defection in a covenanted land, and a land devoted to God, is carryed on, more is required of Private Persones, then to mourne and sigh in secret: as,

1. *Deut. 13: 12, 13, 14, &c.* If thou shall heare say in one of thy cities, which the Lord thy God hath given thee to dwell there, saying, certane men the children of Belial are gone out from among you, and have with drawne the inhabitants of their city, saying, let us goe and serve other Gods, which yee have not known. Then shall thou enquire and make search, and ask diligently, and behold, if it be truth, and the thing certane, that such abomination is wrought among you, thou shalt surely smite the inhabitants of that city, with the edge of the sword, destroying it utterly and all that is therein, and the cattel thereof, with all that is therein, &c. Which words were undenyably spoken to the People, to whom the rest of that chapter was spoken and particularly directed: So the dutch annot. in the contents of that chapt. say, that the way is shewed how the People of God were to demeane themselves to wards a city that was fallen off: and though, we readily grant, that these words do not impower private persones to act the part of Magistrates, and *brevi manu* judge and condemne, or put to death such as are guilty of the crime mentioned; nor to fall upon the execution without previous judging and tryal of the cause; yet it will be no wire drawing of Scriptures, whatever this *Surveyer* allaige, to say, That this place will warrand private persones to defend their Reformation, when by opprellion and violence, it is taken from them, and when defection is carryed on in a land devoted to God, and Magistrates either neglect to take course therewith, or countenance the same. The Zeal of the Lord should stirr up people to do more for vindicating the glory of God, and saving the land from an universal apostasie, then privately mourne in secret. Sure this

this being spoken to the people, sayes, they should manifest and declare their Zeal otherwayes; seing by this, they might have sufficiently knowne how detestable such a defection was unto the Lord, and that no lesse would pacifie his wrath against that part corrupted, then utter exterminion and overthrow of young and old in it, with their cattel and goods: Will not any readily yeeld, that they had been bound, to have concurred with the Magistrate in this execution; and that if the Magistrate had been negligent, to have remonstrated the matter unto him; and if either that had not prevailed, or Magistrates being chief actors and patrons thereof, they durst not have remonstrated the matter, they might lawfully have joyned together, and with their swords in their hands, have moved the Magistrate to purge out that abomination, and to have granted them security, that the contagion should not have spread, nor they be infected therewith, lest the fierce-anger of God had not been turned away from them? And if this be granted (which cannot easily be denied) we have our purpose, and *Naphthali* hath all which he desired, And certanely, to say, That this course was only to be taken, when one city was infected, and not when moe, when ten or twenty, or possibly the major part, were but to clude Scripture, as *Naphthali* said: seing the same reason will hold in these cases, which holdeth in the cases instanced: and whatever the *Surveyer* say pag. 56. such a cleaving to the literal meaning of Scripture, as will not admit consequential arguments to be drawne therefrom, to the like cases, nor an argument drawne a *minori ad majus*, from the case instanced, is neither the Doctrine of Christ, nor of sound Divines: nor is the following of Christs example and of the Apostles, who made use of such consequences, a making a nose of wax of the holy Scriptures, nor a wringing or wresting them, to bring in our owne fancies, nor a covering of our crooked courses with such a cloak: (however we be branded by him, for this, and as being men of blood and violence; but his falsly rubbing that aspersiō on the innocent, will never wipe that right name off him and his party, whose violence and thirsting after blood, is more then sufficiently knowne) yea himself in his 3 An-  
swere

swere *pag.* 57, 58. will allow something to be done by vertue of this text, where the major part is corrupt, and the minor part sound, saying [, Though the lesser part is not to acquiesce ,, in the way of the greater, runing into rebellion against God, ,, but by all meanes competent to them, bear witness against ,, that way, and study to keep themselves pure, when they ,, cannot prevaile to have matters rectified, as to the whole body. ,, ] And yet the carnal luckwarmnesse and indifferency of this latitudinarian Politician in the matters of God, appeareth. That after he had said that [, there is no coming to ,, an accomodation in this matter whether the True God, or other Gods should be served. ,, ] he presently addeth, in a parenthesis [, and yet this man would be very severe, if no Na- ,, tion in the world, might (having before been embodied in ,, a Kingdome or State) continue and abide in their peaceable ,, communion in civil interests, upon supposition of such an equal division arising amongst them. ,, ] It seemeth this meek peaceable man, would suffer Satan to be worshiped in the same State with the true and living God: and that (if he apply this to the purpose) if the equal half of the Kingdome of *Israel* had worshiped the devil, he would not have been severe, but advised the other half to abide united with them in civil communion. But, leaving these and the like, which are not much to our purpose, let us see what he sayes, to the thing. He tells us *Pag.* 57. [, That no exposition of a text can subsist, ,, that is either contrary to other texts of Scripture, or to sound reason. ,, ] This is granted: But how sheweth he that the exposition given, is contrary to either? [, It is contrary ,, to Scripture; because (*sayes he*) the Scripture committerh the ,, vindicative and punishing sword only to the Magistrate, ,, who only is the sword bearer. *Rom.* 13. ,, ] But this is not against us or our exposition: *Naphthale* speaks only of private persons taking the defensive sword, and thereby keeping the land pure, and labouring (still in their private way, not in a judicial authoritative and Magistraticall way) to purge out corruption, and maintaine Reformation; can he shew us Scripture against this? Again he sayes he [, this is ,, poynt-blank contrary to reason, remedylessly tending to dis-



olve humane Societies, and all Kingdomes and Commonwealths.] Then it seemeth though Magistrates should con-  
 curre, with the minor and founder part, to purge out the  
 corruption of the greater; or concur with the equal half,  
 to purge the other, or with a greater part to purge the lesser,  
 if a considerable part, it might not be; because, that were  
 a way to dissolve humane Societies, and all Kingdomes and  
 Commonwealths. Ay, but he meaneth that it is so [*To teach  
 that any meer privat persones, or any part of a People, who think  
 themselves strong enough, should take on them to sit and act as punish-  
 ing judges, over all Magistrates Supreme and Subordinate, yea and  
 upon the Major part of the People themselves, and upon their owne fan-  
 cies, led with their owne lusts, draw the Magistratical sword.*] *Ans.* But then against whom doth he fight? *Naphtali*  
*spoke not so:* Nor doth our cause require that we should  
 say so. We say not, that private persones should take up  
 the Magistrat's sword, and with Magistratical power and  
 authority judge and execute the whole body of the People,  
 and the Magistrates Supreme and Subordinate; far lesse  
 do we say, That they should do this upon their fantasies, or  
 when led with their owne lusts. This is nothing else but to  
 fancy an adversary to himself, when he cannot answere or  
 stand against his proper adversary: and after he hath busked  
 him up in as ugly a shape, as he can, then he may well cry  
 out [*Oh horrid confusion, to be detasted of all rational and Christian  
 hearts!*] But this is not faire dealing, yet futeable enough  
 to him and his cause, which he can get defended no other  
 way? But then he tells us *Pag. 59.* [*That though the words be  
 spoken to the People; yet it is alwayes to be understood, that the  
 Peoples concurrence in the punishing of an Apostate city, was to be  
 within the bounds of their calling, and under the conduct of the Ma-  
 gistratical power set over them: As when inticers to idolatry are, in  
 the former part of the chapter, enjoyned to be taken order with,  
 (however nearly they were related to People) and to be stoned, it is  
 not to be supposed that the charge is given to every private person brevi  
 manu to do this, but judgment was to be execute on them after ju-  
 dicial conviction, and sentence given by the Magistrate, as sayeth  
 Diodat. on v. 8. and Pelargus on v. 14.*] *Ans.* I. That  
 the

the Peoples concurrence was to be within the bounds of their calling, we grant: But the question is how far the bounds of their calling did extend: Did it extend no further then to goe out when called thereto of the Magistrate, to punish that Apostate city? Then if the Magistrate neglected to call them out, they were not so much as to mourne for that Apostasy, by this text; Nor to use any other meanes to have the Matter rectified, nay nor to beare witnesse against that way: For if the Magistrate was to preceed, and they only to goe under his conduct, if he called them not forth, they were exonerated, all that was required of them, being only to be willing and ready at a call. But sure this interpretation is not consonant to other texts of scripture, as we shall shew. 2. If we look to the other particulars spoken to in that chapter, we will finde that there was more required then that, or a simple mourning in secret; for no man wil think they were exonerated, if they had been only willing to execute the sentence of the Magistrate upon the false Prophet and dreamer, that sought to draw them after other Gods. Seing they were not to hear him. So as to the enticer, they were not only not to hearken unto him, but they were not to pity him, nor to conceale him v. 8. but now, what in case the Magistrate should have refused to have done his duty, to have examined the Matter; or, what in case the Magistrate should have countenanced and encouraged such an one, was there no more required of them, but to have made offer of ther Son, Daughter, Wife, or Brother unto justice, and when justice could not have been gotten executed upon them take them home again to their house and into their bosome, & live as formerly good friends together? I feare such cleaving to the letter of the scripture shall be found a meer eluding of scripture, and a mocking of the holy ghost by whom it was given. 3. Yea that wich *Diodat* sayes, is more, for he sayes, [*They were to procure vengeance on him, in way of justice accusing him to the Magistrate by information or sufficient proof.*] And if the Magistrate refused to do justice, I suppose, they might have provided for their owne security, and shot him or her out of doores with violence, that was seeking to draw

raw them away from the true God. So that granting what the *Surveyer* would be at, the place will make for us: For though the Magistrate was bound to examine, judge and sentence the Apostate city, in a judicial authoritative manner; yet in case the Magistrate should have connived at, or countenanced such apostacy, they were to use other means to have the land purged of that crying obhomination, then simple mourning in secret, even to have taken the sword in their hand, in case the defection was approaching to themselves, and Magistrates were forcing them to a compliance with that evil, or apostasy; and never to have laid it downe, till not only themselves were secured as to their part, but the land were purged of that idolatry & the idolaters executed according to the law, Their Zeal in this case should have carryed them without doors, though not to an assuming of the Magistrates juridicall authoritative and punishing sword.

2. *Esaï. 59: v. 4. None calleth for justice, nor any pleadeth for truth.* Where the Prophet among the rest of the evils whereof that People was guilty, and for which heavy calamities did presse them, reckoneth this, that there was none who called for justice, or did plead for truth; that is, there was none who endeavoured to relieve, and right the wronged, or to redresse what was amisse, see the *English Annotat.* no man owned the right cause, or took God's part against falsehood and wickednesse, [ *No man (say the Dutch Annotat.) to dehore them that deal unjustly, or to maintaine a just cause, and the truth to the utmost of his power.* ] So that by this we see what was required of People, in a day of defection, even to call and cry aloud, that justice might be executed, and deal with such as were Magistrats to do their duty, and not to bring and keep on the wrath of God upon the Land; And this is more then the *Surveyer* will have to be the only duty of private persones in a day of general defection, *Pag. 52. viz. To keep themselves pure without any degree of acting these sinnes, to mourne and sigh for the evils that are done, to be earnest in prayer that God may convert others, to admonish faithfully, and study to reclame these*

*these who are out of the way.* But this will be more cleare by the following passages.

3. *Esay. 59: 15, 16.* [*Yea truth faileth and he that departeth from evill maketh himself a prey, and the Lord saw it, and it displeased him that there was no judgment, and he saw that there was no man, and wondered that there was no intercessour.*] Truth and the cause of God was so at under, that a man could not get leave to live, if he departed from evil, he was a prey unto the persecuters, so general and universal was this defection; and at this time, he saw that there was no man, and wondered that there was no intercessour to interpose, none that would stand up and lay out themselves to the utmost, to set things in order, none that would bestirre himself for truth and the right, which was then oppressed: see the English Annot. on the place: the word is used *2 Sam. 22. 17.* where it is said the servants of Saul *would not fall upon the Priests of the Lord.* So *Exod. 5. 3.* *lest he fall upon us &c.* So that we see, there was some positive thing required of them, some effectual mediating, and interposeing, and hindering of these iniquities, some publick owneing and avowing of the truth, and by publick testimonies, or other wayes of interposeing, & falling-in to impede, and stand in the way of that course of wickednesse.

4. So *Ier. 8: 6.* [*I hearkened and heard but they spake not a right no man repented him of his wickedness saying what have I done*] It is not probable that there was none penitent among them, where then was *Baruch* and *Ebedmelech* *Cap. 38. 7, 9.* and others that stood for the Prophet *Cap. 26. 8, 16, 17, 24.* But there must be some other thing imported, viz. That there was few or none repenting of national evils, and labouring to remove these, no man was standing up and opposeing these publick land defections, & labouring by this meanes to raise up the virgin of Israel who was fallen *Amos. 5. 2.*

5. *Ierm. 9: 3.* [*And they bend their tongues like their boxes for lies, but they are not valient for the truth upon the earth.*] that is, they were ready enough, all of them, to imploy their power to the utmost, for the evil cause, to establish errour and a false way; but they used no valour for the oppressed cause



cause and truth of God, they did not their utmost to have Truth established, and the true Religion: They did not put out themselves, or make use of their strength, for the maintainance of truth, and equity in the land, say the *English Annot.* and they make it parallel with *Esa.* 59: 4. This was their guilt, and hereby we see what was the duty even of privat persons (for of such this is to be meant, as the context cleareth,) in such a general day of defection, viz. to be valient owners and maintainers of Truth against all opposers.

6. *Ier.* 5: v. 1. [*Ran ye to and fro throw the streets of Ierusalem, and see now and know, and seek in the broad places thereof, if ye can finde a man, if there be any that executeth judgment, that seeketh the truth, and I will pardon it.*] We can hardly think, that there were no mourners in secret in all *Ierusalem*, though it is like they were very few: but there was none to owne the good cause, that was now troden under foot, none bestirring themselves, to oppose and hinder the carryed on course of defection: If that had been, the Lord sayes, he would have spared the place; which shewes, how desirable a thing this was, and how acceptable it would have been in the Lords eyes, that for that cause he would have forborne to have destroyed them or to have cut them off.

7. *Ezech.* 22: 30. [*And I sought for a man among them, that should make up the hedge, and stand in the gap before me, that I should not destroy it, but I found none.*] There were some even at this time sighing and mourning in secret, for these abominations, who were marked *Cap.* 9. but there were none to make up the hedge, which their provocations had made; none to redresse the publick defection and Apostasy, and stand for the truth and the suppressing of errour and iniquity. So is it laid to the charge of their Prophets *Cap.* 13: 5. that they did not goe up into the gaps, neither made up the hedge, for the house of *Irael* to stand in the battel in the day of the Lord. Whereby we see, that by this standing in the gape and making up the hedge, more is meant then a secret mourning, even a faithfull and publick owneing of the truth and opposing of

defection, and putting a stope unto it, as *Moses* did when he stood in the breach, *Exod.* 32. (though with authority, as a Magistrate, which private persones have not) he not only prayed and wrestled with the Lord *v.* 11, 12, 13. but in great zeal took the calfe, which they had made, and brunt it in the fire, and ground it to powder, and strawed it upon the watter, and made them to drink of it *v.* 20. If there had been any who thus effectually would have stood in the breach, the Lord sayes, he would have spared them: so acceptable would such a work have been to him.

8. So that word *Ier.* 13:18. [*Say unto the King and to the Queen, humble your selves sit downe, for your principalities shall come downe, even the crowne of your glory.*] Will import something more; it being spoken to all indefinitely, giveth a warrant to all, to deal with King and Queen, to prevent the sad dayes which were coming by reason of the defection and abounding finnes.

9. So that word *Hos.* 2: 2. [*Plead with your mother, plead, for she is not my wife,*] which is spoken to private persones, and so is a warrant to them, to contend in judgment (as the word doth import) against the Church, which was corrupted, and had forsaken the Lord, and his wayes; and so to stand to the defence of truth, and to plead for the cause of God, against their very Mother the Church, The body of the Nation, that not only they might exoner their owne consciences, but also get things reformed, so far as lay in their power; and keep the memory of the cause of God afresh that it should not be buried.

These places and the like, though we bring them not to prove immediatly our maine Question (as it may be the *survejer*, who useth to take but half a look of matters, will suppose) yet when duely considered, in their just latitude and extent, they will clearely evince; That more is required of private persons, in a general day of defection, then to keep themselves free of the same, or to mourne in secret, or the like. And if we lay them together, they will clearly prove it the duty of privat persones, in such a day of defection, to be publickly declareing their abhorrence

abhorrence of the wicked courses which are carryed on : to be actually and effectually interposing with King and Great ones , that a stoppe may be put unto the course of wickednesse , and God's wrath averted : that they would plead Zions cause against all opposers , and thus stand up in the gape , and make up the hedge by publick and avowed owning of the oppressed truth and cause of God : and valiently seek and plead for the truth , and with their Mother the Church , when all is corrupted , lest a bill of divorce be given her : And this is something more then our *Surveyer* will allow. And vvhat way this shall help us , vve shall see aftervvard. Novv vve must examine What the *Surveyer* sayeth.

He *Pag. 46.* after some rambling after his wonted manner , & misrepresenting of the thing wick vvas said in *Naphthaly*, ( as any judicious reader will perceive, so that we need not trouble ourselves to discover the same unfaire dealing so oft as vve meet with it, lest vve should waiste paper and paines, as he hath done , in repeating the same things over and over againe, ) He tells us That [ *It is not to be doubted that Religion is the chief interest, that men and christians should look after, and where it becomes a legall right, and the Magistrate who beares the sword leads the way, no doubt privat persones may follow in the violent defence of it, against all opposeing the Magistrate, the law, and themselves in owning of it.* ] *Answer.* This cold laodicean will give Religion the best word, but no more : He granteth that it is the chief interest that men and Christians should look after; and yet so cautious is he in showing the manner how they should look after it, that in effect he doth postpone unto many other lower concernments : For 1. it must become a legal right, ere they defend it. 2. And when it is become a legal right, they cannot defend it unlesse the Magistrate lead the way. But what if a virgine hath not a legal right unto her chastity , by such a law as that leacherous King *Ewen* the 3. made, shall she not be allowed to defend the same? And if she shall, shall not men be allowed to maintain their Religion, though some iniquous act of Parliament take the legal right of it away? Yes doubtlesse if it be the

chief interest. Again, what if an unjust act take away a man's right to his heritage, shall he not be in case to defend it against robbers? 2. By his second caution it would appear, that if an army of *Turks* or *Tartars* were landing in *Scotland* to rob us of our Religion, we might not resist, unless the Magistrate did lead the way. But might we not in that case defend our lives and lands? If he should deny it, I know few that will be of his opinion, and if he grant it, he must not account Religion the chief interest. Again, what if the Magistrate shall permitt Subjects to defend their Lives and Libertyes against invaders, though he should not lead the way? Will he allow it in that case? Then he must preferre these unto Religion; for Religion, he sayes, must not be defended, but when the Magistrate leads the way: [*Neither (sayes he) can it enter into a Christian heart, that it is to be surrendered unto the arbitrement or pleasure of any power in the world, nor of any Magistrate over us, as this man wickedly suggests is done*] *Answ.* The Surveyer is this wicked person, who not only suggests, but upon the matter affirms it, and avowes it; for what is it else, then to surrender our Religion to the arbitrement of Magistrates, to say, that we may not stand to the defence thereof, unless they will both authorize it with their law, and also lead the way when any oppose it? That which we will not maintaine without the approbation and conduct of another, we wholly give up to the disposing and pleasure of that other. What he sayes concerning our present case, shall be considered in end, once for all. Then *Page 47.* [*Whatever may be said concerning private mens resisting the powers that urge them to idolatry, or false Worshipe, or invading their lves, if they will not so do, comes not home to the present case.*] *Answ.* He would do well to speak plain, and not look with a double face; Either he thinks it lawful, in this case to resist, or he thinks it unlawful; if he think it unlawful to what purpose doth he make mention of it, as a different case from what is presently under debate; And will not any see that if he deny this to be lawful, our Religion is wholly given up to the arbitrement of the Magistrate? If he think it lawful, he must then grant that Religion may be defended, even when the Magistrate who bears the sword, doth not lead the way



and why then it should not come home to our present case, I do not see; for he doth not lay the stresse of his answers on the inconsiderableness of the ground of the resistance, (though here and there He hint at that) but upon the unlawfulness of resisting the Magistrate, who beares the sword: Now this ground faileth him here. But he ads [*Yet Lactantius word, Lib. 5. c. 20. is to be well remembered by all private persones, Defendenda est Religio a privatis omnibus, non occidendo, sed moriendo*] Answ. Then according to *Lactantius* it must be unlawful to defend Religion, even when the Magistrate urgeth to idolatry, invading lives if they will not do it: yea if this be generally received as a truth, The People of Scotland might not defend their Religion against an army of *Pagans Turks* or *Tartars*, if the Sovereigne should not concurre: Which I know not who would assent unto.

But he will come off with a few notes *Pag. 47. Ec.* That whereas *Naphtali* said *That to be violented in Religion (which cannot be without an unjust force, either on mens persons, or on their goods) is the most wicked and insupportable of all injuries* He thinks such a word should have been better guarded, lest all coercive power of the magistrate in matters of Religion, might seem to be disowned, which would faveur such, as are for absolute toleration. But what needed this? Could he think that the author of *Naphtali* did imagine, That to be violented in any Religion whether true or false, was such an insupportable injury? Or that it was his minde to plead for an universal toleration? What ground had he for so thinking? Sure that had been prejudicial to his hypothesis, which this *Surveyer* himself will not call a false Religion: will it not suffice to say, he meant a violenting in the true Religion? [*No (sayes he) for what Sectary will not pretend, that he is violented for the true Religion, which he will avow is so, according to his conscience, -- and it is this man's principle, that every man in his discretive judgment, is judge of the justice or injustice of his owne sufferings, and accordingly must determine a new his resistance to the violence*] Answ. 1. Then it seemeth his guarding of it, in his owne words, saying [*It is true, to use violence upon any in their persons or goods, to bring them to an external false Religion, or to drive them from the true (otherwise Religion cannot*

*cannot be violented) is the greatest of injuries]* Is not sufficient to salve the Magistrates co-active power in matters of Religion; for notwithstanding of what he sayes, the pleaders for universal toleration have the same door open they had. 2. If he will deny this discretive judgment in matters of sufferings, he must deny it also in matters of acting; for if no man must judge, whether the violence offered him be just or unjust, why should a man judge, whether the commands enjoined him be lawful or unlawful? And so, as he may not so judge of the violence offered him in the matters of Religion, as to repel unjust violence with violence, neither must he judge of the lawfulness of the commands concerning Religion, so as to refuse obedience to unjust commands: And then it will follow, that subjects must yeeld blinde obedience to all the commands of the Magistrate in matters of Religion, and never question any of them: This, I grant, is not to plead for absolute toleration, but it is clearly to plead for absolute tyranny over consciences, fit to be heard and received by Atheists, but by none else. 3. We know the most lawful thing may be abused, and he dar not say that every one who pleads for a lawful thing, pleads also for the abuse of it. He who sayes a man must not change his true Religion, at the command of the Magistrate, doth not say that a man must not change that Religion, which he thinketh in his conscience is the true Religion, and is not, at the command of the Magistrate: So he vvho sayeth a people may defend their true Religion, when the Magistrate is violenting them in it, Sayeth not that every Sectarian company may defend that Religion, which they take to be true, and is not, when the Magistrate is violenting them in it. We say not that an erring conscience obligeth, or that a man's thinking that he is injured in the true Religion, is sufficient ground to engage him in violent resistance. And he himself dar not say, the Religion as reformed in doctrine, worships, discipline, and government (which the late defenders owned) is a false Religion: Nor dar he say, that the corruptions which they opposed, were the only true and necessary Religion. He seems to chant some other thing here and there, in this part

of his pamphlet; but we look for more in the following parts, where we shall have his minde more fully. Sure the Religion they owned, and we stand for, was the Religion he himself once owned, and all the Magistrates, Supreme and inferiour sealed and approved, with their oathes and subscriptions: And the corruptions they and we oppose, were once by himself, and all ranks of people of the land, abjured oftner then once. So that all this is but to raise dust in peoples eyes, to the end they may mistake the way [*Againe (sayes he) does not this man plainly professe to set up all, with whom he can prevail, to violence others, Magistrates, Church-men, people and all, in the matter of their profession?*] *Ans.* Their profession is manifest and professed perjury; for they have renunced the reformed Religion which they once owned, and avowed with hands lifted up to the Most High, and their extant subscriptions beare witness against them; and all the congregations and publick meetings, in which this Religion was owned, are witnesses above all exception. And they have with the dog licked up their vomite, which once they spewed out with an oath of abjuration. 2. But wherein are they violented? Do they that stand to the defence of their Religion, and labour or endeavour to have corruptions formerly abjured, purged out, incur the crime of violenting others? Yes for (sayes he) *even private men are stirred by bloody exhortations, to be revenged on, and punish all Magistrates and others, whose blood they thirst for, because of their not being of their way, which they call Religion.*) *Answer.* This is but one of many of his bloody assertions, favouring neither of Christianity, nor prudence, but much of cruelty and tyranny: and we see his teeth, and his tongue both; But the judge of the innocent heareth and seeth. 2, Did not this perjured wretch and his fraternity call this way, Religion, and the true Reformed Religion, when they swore those Covenants, & will he now come & speak thus? O but he must have a brazen face & an obdured conscience! Ay but he tells us afterward, *Pag.* 48. that [*Whether truth lye on our side or his, as to the poynts of Church government is the question, and if we will not admit publick powers and authorities to be judges in that mat-*



ter, far lesse have they reason to admit of privat persones.] *Anw.*

1. It seemeth it is past question with him, that the vomite which he hath licked up, is the most fatning morsel, that ever he gote; but the most fatning food is not alwayes the most wholesome: And I fear this shall prove so to him, if he repent not, when for it, the wrath of God and the loig & broad curse shall enter into his dwelling place, and into his very soul. 2. We are content the streffe of the busi nesse lie upon that question, and shall be glade to hear what spirits his new food hath put into him, to maintaine that condemned and abjured cause. 3. We look not upon our publick powers and authorities as Judges competent in that matter, nor did they judge, as Judges should have done, when they fet up that abomination; but as men mad on their idols, so did they run, to please, he knoweth, whom. 4. This is the very thing which Papists say anent the judge of controversies, save that he puts the civil Magistrate, in place of the *Pope*. 5. This controversy is not to be judged till now, and privat persones may be sufficient judges of what was sworne and subscribed by King, and all rankes of People, and must have more solide grounds and motives to induce then to renunce what they have been fully perswaded was truth, and have owned as such, under the paine of damnation, by their solemne Oathes and voves; then the meer vvill and command of a Creature, as obnoxious to errour & mistakes as another. And as for vvhat he hath a minde to say upon that head, it is novv a little too too late, unlesse he be able to do, vvhat never one before hath done, *viz.* prove that forme of government, the only necessary government, *Iure Divino*, perpetually binding all, in all ages: but the vulgar vvill have a sufficient antidote against all, vvwhich he can say, by seeing & hearing; vvhat they have seen and heard these yeers bygone, both vvhen this abomination vvas but about to be introduced, and since it hath gote up to its pinnacle, though nothing should be said, of the abominable & scandalous carriage of such as have imbraced that Antichristian course, a true historical relation of vvwhich vvould make the eares of all true Christians to tingle.



His 2. note is upon the *probable capacity* which *Naphthaly* spoke of: this brings to his *minde* *Bellarmin's* excuse why the ancient *Christians* took not armes against *Nero*, because they wanted temporal strength. But might not that excuse be good in itself though *Bellarmino* made use of it? I suppose upon second search, it will be found, that they had not such a capacity, as he, it may be, supposeth: But of this afterward. It brings to his *minde* also what *Creswel* the Jesuite said against the *Edict of Q. Elizabeth*. But all this is nothing to the purpose, for neither we, nor *Naphthaly* joine with the *Jesuites* (whatever he say) as to the deposing and throwing downe of Princes, and all Magistrates, and punishing them by private hands. But if he think this condition, in private persons resisting of violence, *Jesuitical*, viz. *if they be in a probable capacity to do it*. He must give us leave to say, It is very rational, and he is more then brutish to think otherwise: For will he say, that it is an indispensable duty, for Ten private persones, though they had their Magistrates with them, to go and resist an army of Ten Thousand, unlesse they have an extraordinary particular & peremptory cal of God? Sure then he but shewes his folly to carpe at such things as these, let him read, *Luk. 14: 31*.

Next let us see what he hath *Pag. 84. 85. 86*. Where he sayeth 1. (., That albeit it be God's holy will, that in erections of civil government, his Truth, sincere worships, and glory in these, should be mainly minded and intended, by men, and it is mens duty so to do; yet it is clear that in many places *de facto* it is not so; although men in the general professe aiming at Truth, and right worships, yet, there are aberrations in the particular.] *Ans. 1*. This is very true, and not only do we see that it is so *de facto*; but also that where conscience hath been made of mindeing Gods truth, sincere vvorships, and glory, and these so twisted in, and interwoven with the constitution of the civil government, that they became to the subject, a piece of their National patrimony, secured by all meanes imaginable, not only these necessary things are not minded, but they are sought to be overturned and destroyed. 2. Since he grants that it is men's

duty so to do, how can he condemne what the honest Parliaments of *Scotland* did, and what the King consented to, and owned? Was that any thing else but to establish and secure the reformed Religion in Doctrine, worships, discipline and government, for the glory of God, and the good of the nations?

Next he sayes, [1. Albeit there be in the poynt of truth, and the worships of God, a notable perversion and swerving, that doth not at all invalidate the authority, nor break the obligation thereunto, although it be injurious, to favourers of Truth and right Worships: for although Religion be not minded, as it ought to be, God will not have the Commonwealths, where justice between Man and Man is maintained, for his glory, casten loose; nor have men think themselves loosed from obligation to the government -- for neither must they be heard, who hold that civil dominion is founded on grace, nor they who say, That infidel, heretical, or excommunicate Magistrates fall from their power, or that the subjects obligation to them ceaseth.] *Ans.* 1. Yet vvhhere the maintainance of Truth, and of the right vvorships is a fundamental pillar of the constitution, and a maine article of the compact betwixt Magistrates and subjects, a failing here is a loosening of the government, and of the Subjects obligation, it not in vvhole, yet in so far; 2. A pleading for the observation of the compact and maintainance of the Truth and Worships of God, conforme to sworne compacts, is no breaking of the obligation, but rather a way to have it strengthened and made more firme: Much lesse can they be charged with this, who plead only for a liberty of defence of the same Truth and Worships, against manifest injuries, contrary to Covenants, vowes and compacts. 3. Such as resist the unjust violence of Magistrates, do not thereby loose themselves from the obligation to government, otherwise every woman who in defence of her chastity resisted the prince, should die as a Traitor, 4. We abhorre both that opinion, that dominion is founded on grace, and that other of the Papists:

we stand upon other grounds, as hath been, and may yet be, further shewed.

The summe of what he sayes in the 4 place (for what he hath said in the 3 place is but some concessions, which are touched already) is this [„ That to reforme in a publick „ coactive way, by the use of the vindicative and punitive „ sword, belongeth alone to the Magistrate, so that per- „ sones of meer private capacity, cannot use that sword a- „ gainst all Magistrates; and their fellow subjects, to violent „ them in matters of Religion, or which they account Re- „ ligion, and punish them for not being of their Religion. ]

*Ans.* It is but his groundlesse calumny, to say that *Naphthali* sayes all this, and so it is nothing to the question in hand, which is concerning privat persons maintaineing their Religion, and endeavouring to have corruptions removed, which may wel be, without the least incroachment upon the Magistrates; and since he speakes not to this, he either declares himself unable to confute what we say; or he fowlely prevaricates, to the palpable betraying of his owne cause; or both.

Then he tells us further. [„ That the great mistake in all „ this matter is, That we think the Magistrate & People, „ are, as to their Covenant with God, debtors bound in a band „ conjunctly and severally, for one sum, so that in the defi- „ ciency of the one, the other must pay all, and hath power „ to distresse the deficient ——— whereas they binde, but „ for their severall moieties of a sum ——— so that if the People „ reforme themselves, and keep themselves pure from ab- „ hominations, the Magistrates deficiency (which they to- „ lerat with grief) shall not be imputed to them: Because „ God giveth them not a calling to intrude into the Magi- „ strates office ——— there lyes no obligation on them to „ force the King, or their fellow subjects to external meanes „ of Worship and Religion. ] *Ans.* This is the summe of what he spendeth many words about, but it may be easily answered. For 1. By this *simile* he will wronge the Magistrate: for as the People may not presse the Magistrate to pay his moyety, how may He presse the Subjects to pay their



their moyety? 2. If the Magistrate break to God, and will not pay his moyety of the summe, he cannot presse the Subjects to break also, and not to pay their part; but whether he will or not, they are bound to keep Covenant; and if he force them, his violence is unjust and illegall (for no law can warrand People to break their Covenant with God) and may lawfully be resisted; and this is enough for us.

3. A better lawyer then he *Althusius* pol. cap. 28. n. 18. tels us that in those Religious Covenants, Magistrates and People are bound conjunctly and severally, so that the whole summe may be required of either of the correi: *Ita sunt correi* (sayes he) *ut in solidum & in continenti ab unoquoque promissum peti possit, tanquam a principali reo.* l. pæn. de duob. reis stip. 2 Chro. 33. 2 King. 24. 4. Deut. 29.) And his reason is, because God would not commit to one the care of his Church, and worships; but to the whole People, whom their servants King and Parliaments do represent, which also he proveth from *Ier.* 17: 20. and againe *Num.* 19. He tells us that one of the correi must answer for the other and partaketh of his guilt, if he do not oppose and resist him as much as he can, and so hinder him from breaking: Which he proveth from *1 King.* 14: 16. and *Num.* 23: 24. He answers *Barclaius*, alledging the same thing vvhich this Surveyer alledgeth saying, [*Concedo Barclaiio in duobus reis promittendi observari, ut uno solvente quod promissit, alter liberetur, Ergo quando Rex vel Populus ob delicta sua arque fœderis iniiti transgressiones, pœna à Deo est affectus, alter liberabitur. Verum hac regula, uno correo solvente, alterum liberari, exceptionem patitur in casu quo non in solidum & in totum correns solvit, sed pro parte, uti hic, unus ex correis pœnas persolvens, Deo non in solidum solvere potest. Deinde hæc regula non procedit in delictis: In his enim uterque correns delinquens & criminis socii puniuntur in solidum, neque unus pœnas luendo, alterum liberare potest, 1 Sam. 12: ver. 27. Et docent id late ICC. Denique prædicta regula non procedat in casu quando uterque correns se in solidum obligavit ad idem factum, uti in hoc fœdere accidit, 2 Chron. 15: ver. 13: Vbi de pœna subditorum & Regis loquitur, ut, 1 Sam. 12: ver. 7.*

4. But now the question is what is the Peoples duty, in a day of defection? He sayes it is only to keep themselves pure



pure from the abominations, and reforme themselves. But we have shewed above that the scripture requireth more, even some active endeavour, to have the National Corruptions removed, though not to usurpe the Magistrates place. But sayes he [ , The late Covenant it self, doth bind *private persons in their places and callings* (which certanely are private, and to be managed by private means) to endeavour reformation, & doth not bind any number of private persons to pull the sword out of the Magistrate's hand, when they think he useth it otherwise then he should, and then they would have him use it -- if the Covenant be passive of such commentaries, as this man puts upon it, That whatever any private party accounts Reformation, they may use the vindictive punishing sword against all, of all degrees, that stand in their way to advance the same, we have little reason to be in love with it; and just cause to cast it by, till it be cleared of such corrupt glosses. [ *Answer.* I feare the *surveyer* be so out of love with it, and have so cast it by, that were it never so cleared (as it is cleare enough) he hath no minde to take it up againe, and he best knoweth what it was that moved him to cast it off. But 2. as *Naphaly* said vvel, That clause annexed can not be so restrictive, as this *surveyer* would have it; for certanely it cannot bind up privat men's hands, from doing of these things, which otherwise were commanded them to do. Now whether this Covenant had been or not, more would have been required of private persons, in a time of great and universal or a national defection, then at other times. Every man is bound according to his place and station to preserve the Kings person and authority. Now put the case that some party or faction should captivate him, This man will grant that private persones, without the conduct of inferiour Magistrates, may joyn together, if they be in a capacity to break thorow impediments, & through the interprize, and labour his vindication and delivery, and restauration: Would he in this case condemne these men, as acting without their sphere, or as usurpers: I suppose not: Let him then apply this to our case, and he will easily see the parallel. So it is the duty of  
bur-

burgesſes in their places and ſtations, to promote the good of the ſociety: Now ſuppoſe a fire kindle, and ſuch as are appointed to overſee the quenching of fires either are abſent, or careleſſe, or half willing the Town ſhould be burnt, ſhall private perſones hands be bound up from doing what they can, in what order they may, to ſave the Towne? ſhall they be accounted tranſgreſſours, or Uſurpers of the Magiſtrat's place, though they ſhould materially occupy his roome for that exigent? No certainly, they ſhould rather be accounted faithful citizens, mindeſul of their oath and promiſe. So when an army is engaged with the Enemy, if the Commanders ſhould perfidiouſly betray their truſt, and leave their ſtation, or ſeek the deſtruction of the army, in their ſtation, It would be accounted no uſurpation, in any private perſons, who could beſt fill theſe roomes and places, for theſe exigents, to do what they could, for the ſafety of the army: Nor would this be thought contrare to their oath. When a Maſter of a Shippe either through ſotishneſſe, or vvickedneſſe, vvould run the ſhip againſt the rock, any private Seaman in that caſe of neceſſity, may, to ſave his ovvne life and the lives of all vvho are in the ſhippe, do the beſt he can, to prevent deſtruction, without any ſinful tranſgreſſing the bounds of his calling. Whence we may underſtand, that in caſes of extreame neceſſity, private perſones may do more, then in ordinary caſes; and yet not ſinfully goe beyond their places and callings: and though materially, they, for that exigent, occupy the places of Superiours, who ſinfully, unfaithfully, and baſely, either neglect or betray their truſt; yet they cannot be accounted Uſurpers: nor is it rational to ſay, that ſuch as plead for the lawfullneſſe of this, do plead for the lawfullneſſe of private perſons pulling the ſword out of the Magiſtrate's hands, whenſoever they think he uſeth it otherwiſe then he ſhould, or whenſoever he uſeth it otherwiſe then they would have him uſe it; and uſeing the vindictive puniſhing ſword againſt all Magiſtrates and others, that ſtand in their way. By this alſo, vve may ſee what injury he doth to *Naphtaly*, when he draweth ſuch conſequences from vvhat he ſaid *Pag.* 151. and there did

did shew by the *simile* adduced, that such a thing was to be done only in extreame inevitable and urgent necessity. And what the *Surveyer* hath said Pag. 116. and 117. needeth no other answer.

This is not all, he must harpe on this string againe Pag. 103. where he sayes [„ That it is to ruine all order, to teach that „ the advancing Religion, not only *actibus elicitis* but *actibus imperatis*, which belong to the Magistrate, may be medled „ with by the people — extraordinary necessities are more easily pleaded then justified, as ground sufficient for some actions, whereto there is no extraordinary call] *Ans.* Though this be sufficiently answered before, yet we say, 1. That order is already ruined, when the Magistrat destroyeth what he should preserve, and so crosseth his commission: and who teach that in such an extraordinary case, when God's order is violated and broken, and all in hazard to be overturned, such things might be done, which needed not to be done, if God's order and appoyntment were observed, do not take a way to ruine all order, but rather to preserve that, which order it self is appoynted, as a meane, to preserve. 2. We plead not for such formal imperate acts, in matters of Religion, as due to privat persones (as we have said.) But for a power, according to the ability God puteth into their hands to hinder him from being dishonoured, to defend their ovvne profession and Religion, to hinder an universal apostasy, and to endeavour in their capacities, to have things righted, which are out of order. And vvhhen private persones are carrying themselves thus, we deny that they are runing out of their rank and calling; nor can he prove it. 3. Will he say that no actions can be sufficiently justified because done in extraordinary necessities and vvithout an extraordinary call? Then he shall condemne the Covenants which *David* made vvith the men of *Israel*, 2 *Sam.* 5. and which *Iehojadah* made betwixt the King & the People: For he told us that both these vv ere in extraordinary occasions, and he cannot shovv us any extraordinary call. He addeth [„ If „ Magistrates be deficient — privat persons are sufficiently „ discharged, if they keep themselves pure, and do vvhat „ polli-



„ possibly they can, for advanceing Religion in their privat capacities and by their *Elicite* acts -- if a mans eyes be put out, his eares, or other senses will goe as far to supply that defect, as may be; yet, cannot help the body by *elicit* acts of seeing. So whatever length private persons may goe, for the good of the body, they must not goe to exercise, and exert formally, acts Magistratical. ] *Ans.* All alongs we heare nothing but dictatings: This and this he sayes, and there is an end, a noble patron of a desperat cause, and worthy of a great hire. But. 1. The question still abideth undiscussed how far privat persons capacity doth reach; for that they must do more then keep themselves pure we have shevved. 2. If they may do what possibly they can, for advanceing Religion in their capacities, they may do more then he will have them doing; for then they may defend Religion with the sword, and with violence hinder idolatry and superstition, and what of that nature provocketh God to wrath. All this and more is within their capacity and possibility, as he would easily grant, if the Magistrate vould but countenance it, yea and though he should oppose, say vve. But he will say, these are not *elicit* acts. And vwill he grant nothing else to privat subjects but *elicit* acts? Then he vwill not grant them liberty to disput for Religion, to exhort, rebuke and admonish &c. for these are not *elicit* acts, more then disputing vvith the sword, and so vvith his Philosophick distinctions, he vwould charme us into a perfect acquiescence vvith vvhat Religion the King vwill enjoyne. 3. Eares and other senses never set up the eyes, and gave them povver to see for their good: But the People set up the Magistrates, and may do, when the Magistrate layeth downe his sword; or avowedly betrayeth his trust, what they might have done before they made choice of him. 4. By this *simile* it would follow that the People cannot only not do the Magistrate's *Imperial* acts, but not so much as the *Elicite* acts which he may do, vvich is false. 5. Though they cannot exert or exercise *Formally* acts Magistratical, if they may do it *Materially* we seek no more. In end he tell us. „ That it is a dangerous „ and destructive tenent to be held forth to be beleevd by „ People



People [„That in all cases whether concerning Religion or „Liberty, when they account the Magistrate to pervert the „government, that they are *Eatenus* in so far, even as if they „had no King, and that the royalty hath recurred to them- „selves, and they may act and exercise it formally as if they „had no King at all] and this he tels us is the expresse doctrine of *Lex Rex* Pag. 99. 100. Nowv that all may see vvhhat a shamelesse and impudent man this is, and how little reason any have to give him credite, I shall recite the authors very words. [„But because (*sayeth he*) the Estates never gave the „King power to corrupt Religion, and presse a false and I „dolatrous worshipe upon them; Therefore when the „King defenderh not true Religion, but presseth upon the „People a false and Idolatrous Religion (*this is some other thing „then when they account the Magistrate to pervert &c.*) in that they „are not under the King, but are presumed to have no King *eatenus* so farre, & are presumed to have power in themselves, as „if they had not appoynted any King at all -- If an incorporation accused of Treason & in danger of the sentence of death, „shall appoynt a lawyer to advocate their cause, -- if he „be stricken with dumbnesse, because they have losed their „legal and representative tongue, none can say, that this „incorporation hath losed the tongues that nature hath „given them, so as by natures law they may not plead in their „owne just and lawful defence, as if they had never appoynted the foresaid lawyer to plead for them. The „King --- is made by God and the People King, for the „Church and People of God's sake, that he may defend true „Religion, for the behove and salvation of all: If then „he defend not Religion --- (NB) in his publick and „Royal way, It is presumed as undenyable, That the „People of God who by the law of nature, are to care for „their owne soull, are to defend (NB) in their way, true „Religion, which so nearly concerneth them and their „eternall happinesse.] Now let any judge if this be so dangerous and destructive a tenent, As he would make his reader beleieve. But it is easy for him who hath no shame, to pervert sentences which he cannot confute, and then call them

dangerous and destructive: and thus he will make the rabble of the degenerate clergy and other simple ones beleeve, that he hath confuted *Lex Rex*. And thus dealeth he with *Naphthali* as we have shewed already.

Having thus considered all which the *Surveyer* hath here and there spoken against that which we have said, let us now come to apply what hath been said, unto our present purpose, of vindicating the late act of defence; which, by what we have said, we finde cannot be justly condemned as treasonable or rebellious, but rather approved and commended as loyall service to God and the Countrey.

For 1. Thereby they were professing their constancy, in adhering to the reformation of Religion in doctrine, worships Discipline and Government, which was consonant to the word of God, and publickly received with all solemnities imaginable, notwithstanding of acts and lawes made to the contrary: and no true Christian will say, That subjects should imbrace any Religion which Magistrates will countenance and prescribe, be what it will, or upon that account.

2. As they were thereby declaring their soul abhorrence of these corruptions, which were countenanced and authorized by sinful acts and statutes; so they were defending, to the utmost of their power, the reformed Religion, according to their Covenant, and vow to God. And that such a defence as this, is lawful, we have shewed.

3. They were defending themselves against intolerable and manifestly unjust violence, offered because of their adhering to the cause of God, and to the reformed Religion, which King, Parliament, and all rankes of People in the land, were solemnly sworne to owne, and avow, all the dayes of their lives, really, sincerely and constantly, as they should answer to God, in the great day; no lesse then they.

4. They were mindeing their Oath and Covenant made with God, with hands lifted up, with solemne attestations, and protestations; the Covenants which they did make and renew in the presence of Almighty God, the Searcher of all hearts, with a true intention to performe the same.

5. They

5. They were endeavouring in their places and stations (according to the latitude allowed in times of such necessity, and in matters of such weight and moment) to have the Church and Kingdome purged of these abominable and crying corruptions, and grievous abominations, which provoke the Lord to wrath, against the whole Church and Kingdome.

6. They were defending the maine fundamental law and constitution of the Kingdome, and that maine article of Agreement and Compact betwixt Sovereigne and Subject, which all the members of the Nation, were no lesse bound unto, then they.

7. They were joyning together, as detasting that detestable indifferency and neutrality abjured, to defend and assist one another in the same cause of maintaining their reformed Religion, with their best counsel, bodyes, meanes, and whole power, against the old, inveterate and Common enemy, that malignant spirit and rage; according to their Covenants.

8. They were repenting of their National sin, in complying (by their sinful silence, & not giving open, faithful, and faire testimony, when the Truth of God was openly and violently trode under foot) with that dreadful course of backslideing, which was violently carryed on. They were calling for justice, and valiently pleading for truth, sinfully and tyrannically borne downe and oppressed. They were with zeal and courage valiently interposing, & labouring to put a stop to the begun and far-carryed on defection, when truth was failing, and he who departed from evil made himself a prey, that God might pardon, and look in mercy on the land. They were endeavouring to stand in the gape and make up the hedge; and pleading with their Mother Church, or a malignant faction in her, shamefully departing from God, when there was no other way or meane to be followed, or essayed.

When all these things are duely considered and laid together, It will appeare to impartial and unbyassed persones, That the late act which is so much condemned and cryed out

against, is not so hainous and unpardonable a crime, as this *Surveyer* and his wicked party would give it out to be: but was a noble and laudable interprize, for the glory of God, the good of Religion, Church and Kingdome; beside that it was a most necessary and unavoydable act of self defence. Since the Scriptures formerly cited will allow more unto private persons, then what this *Surveyer* restricketh them unto, (as we have shewed) in a time of defection: Then when there was no other way left to do these duties there required, and when with all severall other things did call aloud to a mutual conjunction in armes for defence of one another, and repelling of unjust violence, and prosecuting the holy and necessary ends of the Covenants which they swore, no man in reason can suppose that such a work is repugnant to Scripture or right reason, but rather most consonant to both.

And though many do and will condemne the same, even as to this interprize of Reformation, upon what grounds and motives themselves best know, yet Our worthy and Noble Reformer famous *Mr Knox* if he were living this day, would be far from speaking after the language of such. For he in his appellation *Fig. 22. &c.* hath these words [The  
 „ second is, that the punishing of such crimes, as are idolatry  
 „ blasphemy, & others that touch the Majesty of God, doth  
 „ not Appertain to the Kings and chief rulers only; but also  
 „ to the whole body of the People, and to every member of  
 „ the same, according to the vocation of every man, and  
 „ according to that possibility and occasion which God doth  
 „ minister, to revenge the injury done against his glory,  
 „ when that impiety is manifestly knowne: And that doth  
 „ *Moses* plainly speak *Deut. 13: v. 12, 13, 14, 15, 16.* in these  
 „ words, if in any of the cities &c. ——— plaine it is that  
 „ *Moses* speaketh not, nor giveth charge to Kings, Rulers  
 „ and judges only; but he commandeth the whole body of  
 „ the People, yea and every member of the same, according  
 „ to their possibility: And who dar be so impudent, as to  
 „ deny this to be most reasonable and just; for, seing that  
 „ God had delivered the whole body from bondage; and to  
 „ th



„ the whole multitude had given his law ; and to the twelve  
 „ Tribes had he so distributed the inheritance of the land of  
 „ *Canaan*<sup>1</sup>, that no family could complaine that it was ne-  
 „ glected ; was not the People and every member addebted,  
 „ to acknowledge, and confesse the benefites of God ? Yea,  
 „ had it not been the part of every man , to have studied to  
 „ have kepted the possession which he had received ? Which  
 „ thing God did plainly pronunce they should not do , ex-  
 „ cept that in their hearts they did sanctify the Lord God ;  
 „ that they embraced, and inviolably kepted his Religion  
 „ established ; and finally except, they did put away ini-  
 „ quity from amongst them, declareing themselves earnest  
 „ Enemies to these abominations , which God declared  
 „ himself so vehemently to hate, that first he commanded  
 „ the whole inhabitants of that Countrey to be destroyed ,  
 „ and all monuments of their idolatry to be broken downe.  
 „ ——— But in such cases Gods will is, that all creatures  
 „ stoup, cover their faces, and desist from reasoning, when  
 „ commandment is given to execute his judgement. Al-  
 „ beit I could adduce diverse causes of such severity ; yet will  
 „ I search none other then the holy ghost hath assigned ; first,  
 „ that all *Israel* hearing of the judgement, should feare to  
 „ commit the like abomination ; and secondly, That the  
 „ Lord might turne from the fury of his anger, might be  
 „ moved towards the People with inward affection, be mer-  
 „ cyful unto them, & multiply them, according to his oath  
 „ made unto their Fathers : which reasons as they are suffi-  
 „ cient in Gods children to correct the murmuring of grudg-  
 „ ing flesh ; so ought they to provoke every man, as before I  
 „ have said, to declare himself an enemy to that which so  
 „ highly provoketh the wrath of God against the whole  
 „ People : For where *Moses* sayeth *Let the city be burned*, &c.  
 „ he plainly doth signify that by the defection and idolatry of  
 „ a few, Gods wrath is kindled against the whole, which is  
 „ never quenched till such punishment be taken upon the  
 „ offenders, that whatsoever served them in their idolatry be  
 „ brought to destruction, because that it is execrable and  
 „ cursed before God ; and therefore he will not that it be

„ reserved to any use of his People. I am not ignorant That  
 „ this law was not put into execution, as God commanded;  
 „ but what did thereof ensue and follow? Histories declare,  
 „ viz. plague after plague till *Israel* and *Judah* were led into  
 „ captivity, as the Books of the *Kings* do witness. The  
 „ consideration whercof maketh me more bold, To affirme  
 „ that it is the duty of every man, who desireth to escape the  
 „ plague and punishment of God, to declare himself Enemy  
 „ to idolatry, not only in heart hateing the same, but also in  
 „ external gesture declareing, that he lamenteth, if he can  
 „ do no more, for such abominations — of these pre-  
 „ mises, I suppose, it be evident, That the punishment of  
 „ idolatry, doth not appertain to Kings only, but also to  
 „ the whole People, yea to every member of the same, ac-  
 „ cording to his possibility: For, that is a thing most as-  
 „ sured that no man can mourne lament and bewail for these  
 „ things, which he will not remove to the uttermost of his  
 „ power. ] And a little thereafter [ And therefore I feare  
 „ not to affirme that the Gentiles (I meane every City, Re-  
 „ alme, Province or Nation, amongst the Gentiles, imbra-  
 „ ceing Christ Jesus and his true Religion) be bound to the  
 „ same league and Covenant, that God made with his People  
 „ *Israel* when he promised to root out the Nations before  
 „ them, in these words *Exod.* 34: 12, 13, 14. --- to this same  
 „ law and Covenant are the Gentiles no lesse bound, then some  
 „ time were the jewes, vvhensoever God doth illuminate the  
 „ eyes of any multitude, Province, People, or City, and  
 „ puteth the sword in their ovvn hand, to remove such enor-  
 „ mities from amongst them, as before they knevv to be  
 „ abominable. Then, I say, are they no lesse bound, to  
 „ purge their Dominions, Cities, and Countreyes, from  
 „ idolatry, then vv ere the *Israelites*, vvhat time they received  
 „ the possession of the Land of *Canaan*. And moreover, I  
 „ say if any goe about to erect and set up idolatry, or to teach  
 „ defection from God, after that the verity hath been received  
 „ and approved, that then not only the Magistrates, to  
 „ vvhom the sword is committed, but also the People, are  
 „ bound, by that oath, vv which they have made to God, to  
 „ revenge

,, revenge to the utmost of their power, the injury done a-  
 ,, gainst his Majesty.] So in his *admonition to the Commonalty of*  
*Scotland* Pag. 36. [,, Neither would I that you should esteem  
 ,, the reformation and care of Religion lesse to appertaine to  
 ,, you, because yee are not Kings, Judges, Nobles, nor in  
 ,, authority. Beloved brethren, you are God's Creatures  
 ,, created and formed to his owne image and similitude, for  
 ,, whose redemption, was shed the most precious blood  
 ,, of the only beloved sone of God, to whom he hath com-  
 ,, manded his gospel and glade tydings to be preached, and  
 ,, for whom he hath prepared the heavenly inheritance; so  
 ,, that yee will not obstinately refuse, and disdainfully con-  
 ,, temne the meanes, which he hath appoynted to obtaine the  
 ,, same ——— for albeit God hath put and ordained distin-  
 ,, ction betwixt King and Subjects; yet in the hope of the  
 ,, life to come, he hath made all equal ---- and therefore I  
 ,, say, that it doth no lesse appertaine to you, to be assured  
 ,, that your faith and Religion be grounded and established  
 ,, upon the true and undoubted word of God, then to your Prin-  
 ,, ces or Rulers; for, as your bodies cannot escape corporal  
 ,, death, if with your Princes, you eat or drink deadly poison  
 ,, (although it be by ignorance or negligence) so shall ye  
 ,, not escape the everlasting, if with them yee professe a cor-  
 ,, rupt Religion --- and this is the cause that so oft I repeate,  
 ,, and so constantly I affirme, that to you it doth no lesse apper-  
 ,, taine, then to your King or Princes to provide that *Christ*  
 ,, *Iesus* be truly preached among you, seeing without his true  
 ,, knowledge, you cannot attaine to salvation.] More to this  
 purpose may be read there.

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## C A P. X.

Arguments taken from the hazard of becoming guilty of the sin of others, and of partaking of their Judgments. And from the duty of relieving the oppressed, &c.

**I**T is not necessary for our purpose to dip much into that question concerning Gods imputing of the sin of one unto others; and therefore we shal shortly hint at some few particulars from Scripture, and after we have considered what this *Surveyer* sayeth, we shall apply them to our purpose.

That God doth punish some, and that most justly, for the sinnes of others, the Scripture doth abundantly verifie: Not to insist on the instances of his punishing of whole families, for the sinnes of the Head of the family: as the family of *Pharaoh*, *Gen.* 12: v. 17. of *Abimelech*, *Gen.* 20: v. 17, 18. of *Corah* and his companions, *Num.* 16: v. 27, 32, 33. of *Achan*, *Ios.* 7: v. 24, 25. of *Ieroboam*, *1 King.* 14: v. 10, 11. *Eccl.* 15: 29. of *Ahab*, *1 King.* 21: v. 21, 22, 24. *2 King.* 9: v. 8. of *Baasha*, *1 King.* 16: 3, 4. of *Iehoram*, *2 Chron.* 21: 14. Nor on the instances of his punishing of Servants for the sinnes of their Masters, or the Children and Posterity for the sinnes of their Parents, as in the 2 Command, where he threatneth to visite the iniquities of the Fathers upon the Children, unto the 3 and 4 generation. So also *Levit.* 26: ver. 38, 39, *Deut.* 28: v. 18, 32, 45, 46. So the Children of such as were drowned in the flood, *Gen.* 6, *Eccl.* 7. The posterity of *Canaan*, *Gen.* 9: v. 24, 25, 26, 27. The children of the *Egyptians*, *Exod.* 11: v. 5, 6. of the *Israelites*, *Num.* 14: v. 33. *Psal.* 106: v. 27. of *Dathan* and *Abiram*, *Num.* 16. of the *Canaanites*. *Deut.* 3, *Eccl.* 15: 20. of the *Amalekites*, *1 Sam.* 15. of *Saul*, *1 Sam.* 21. of *Gehazie*, *2 King.* 5: ver. 27. of the *Babylonians*, *Eesai.* 14: ver. 21, 22. of *Semaia*, *Ier.* 24. v. 32. Hence true penitents acknowledg&are humbled for not only their owne sinnes, but the sinnes of their Fathers, *Ezra* 9. *Dan.* 9. *Job* sayes *Cap.* 21: v. 19. *God layeth up his iniquity* ( or the punishment of his iniquity



quity, as it is in the margine) *for his children*. But to passe these we finde moreover.

1. That People have been punished for the finnes of their Pastors, or in hazard to be punished therefore. When *Nadab* and *Abihu* had provoked the Lord with their strange fire, *Moses* spoke unto *Aaron* and to his other two Sones, and sayd, *Levit. 10: v. 6. Uncover not your heads, neither rend your cloathes, lest you die, (N. B.) and lest wrath come upon all the People*. So that their sin would not only have brought wrath upon themselves, but also upon all the People. So the wickednesse of *Hophny* and *Phinehas* was part of the cause of that sad discomfiture, that the People of *Israel* did meet with, *1 Sam. 2: ver. 12. comp: with Cap. 3: ver. 11. and with Cap. 4: ver. 10, 11. So Esai. 43: ver. 27, 28. because the Teachers had transgressed against the Lord. Therefore was Iacob given to the curse and Israel to reproaches. So Lam. 4: v. 13. among other provocations, the finnes of her Prophets are mentioned, and the iniquities of her Priests. So Micah. 3: v. 11, 12. Because the Heads did judge for reward, and the Priests did teach for hire, and the Prophets did divine for money, Therefore Zion was to be plowed as a field and Ierusalem to become heaps, and the mountaine of the house, as the high places of the forest*.

2. That the finnes of a few have procured judgments unto the whole multitude, or put them in hazard thereof. So *Deut. 13: v. 12, 17. the Apostate city would kindle the fiercenesse of Gods anger against the whole People: For it is said, The Lord would not turne from the fiercenesse of his anger, and shew them mercy and compassion, and multiply them, until it were destroyed, and all that was within it. So Num. 25. for the sinne of these who joyned with Baal peor the anger of the Lord was kindled against the whole congregation. So when Moses was speaking unto the two Tribes and halfe, Num. 32: 14, 15. he sayeth, And behold yee are risen up in your Fathers stead -- to augment yet the fierce anger of the Lord toward Israel, for if yee turne away from after him, he will yet againe leave them in the wilderness, and yee shall destroy all this People. So Ios. 7: ver. 5. for one Achan's sin, all Israel was troubled, and Ios. 22: v. 17, 18.*

say the Commissioners of the whole congregation, unto the two Tribes and half, *And it will be, seeing, ye rebel to day against the Lord, that to morrow, he will be wroth, with the whole congregation of Israel.* And it was this which moved all the Tribes to goe against Benjamin, *Judg. 20.*

3. That the Subjects have suffered sad and dreadful judgments for the sinnes of their Rulers: As *Micah 3: 9, 10, 11, 12.* formerly cited: *Abimelech's* sin, *Gen. 20.* was like to hazard himself, and all his Kingdome, *ver. 7, 9.* For *Pharaoh's* refusing to let *Israel* goe, not only he and his Princes, but his Subjects through all his coasts, did smarte, *Exod. 6, and 7: 8, and 9. and 10 Cap. Neh. 9: v. 10.* So *Saul's* sin in seeking to destroy the *Gibeonites*, brought on three yeers famine on the land in the dayes of *David*, *2 Sam. 21: v. 1.* So *David's* sin of numbering the people cost the lives of three score and Ten thousand, *2 Sam. 24: v. 1, 2, 15. 1 Chron. 21: 1, 2, 14.* So the Lord threatned by the Prophet, *1 King. 14: ver. 16.* that for the sins of *Ieroboam*, who did sin, and who made *Israel* to sin, he would give up *Israel.* And for *Ahab's* sin of letting *Benhadad* goe, the Man of God told *Ahab*, *1 King. 20: ver. 42. Because thou hast let goe out of thy hand a man whom I appointed to utter destruction, therefore thy life shall goe for his life, and thy People for his People.* So for *Manasseh's* sin, *Ier. 15: ver. 4.* The Lord sayes *I will cause them to be removed into all Kingdomes of the Earth, because of Manasseh the son of Hezekiah King of Iudah for that which he did in Ierusalem.* So it is also spoken, *2 King. 21: ver. 11, 12, 13. Because Manasseh King of Iudah hath done these abominations -- therefore thus sayeth the Lord God of Israel, behold I am bringing such evil upon Ierusalem and Iudah that whosoever heareth of it, both his eares shall tingle, &c.* And notwithstanding of the reformation that was in the dayes of *Iosiah.* Yet this judgement came to be accomplished, and the Lord sent the bands of the *Caldees* and of the *Syrians*: surely, (so it is said, *2 King. 24: v. 3, 4.*) at the commandement of the Lord came this upon *Iudah* to remove them out of his sight, for the sinnes of *Manasseh*, according to all that he did, and also for the innocent blood that he shed, which the Lord would not pardon. And *2 King. 23, 26.* Though there was a great work of reformation

nation done in the dayes of that non-such King (v. 25,) *Iosiah*, yet it is sayd *notwithstanding the Lord turned not from the fiercenesse of his great wrath, wherewith his anger was kindled against Iudah, because of all the provocacions that Manasseh had provoked him withall.* Yea, so did this sin of *Manasseh* provoke the Lord against the land, that howbeit *Manasseh* himself repented, and found mercy, 2 *Chron.* 33: v. 12. and questionlesse many of the People turned with him, yet these same finnes of *Manasseh* are mainly taken notice of, as the procureing cause of that final stroke.

Out of these particulars, these few things are very obvious to any.

1. That People combined into a society have great cause, not only to look to their owne carriage, but also unto the carriage of others; Since the carriage of others will bring them in hazard of God's judgments, and hasten downe vengeance & wrath from God on all, sure they have need to look about them.

2. Especially, they have reason to take notice of the publick carriage and deportment of Princes and Pastors; seing in a special manner those highten the wrath & hasten the judgments of God, as hath been shewed.

3. If these finnes in Princes, Pastors and others were not committed, those plagues and judgments which are threatened, and at length executed upon that account, would have been prevented.

4. If People, considering their hazard by reason of these publick transgressions, had actively bestirred themselves, & interposed, as that these iniquities had not been committed, they had not smarted so for as they did, nor had they felt the weight of the hand of Gods anger, as they were made to do.

5. It was not enough for them, to have kept themselves free of these actual transgressions, whereof others were really guilty: for we finde some punished, for that iniquity of others, which could not be laid to their charge, as actors.

6. How ever such as were so punished, were not free of inherent transgressions, and other sinnes, which deserved judgment at the hands of the Lord; yet when the Spirit of the Lord is pleased to make no mention of these, as the procureing cause of these plagues, but seemeth to lay the whole or maine streffe of the businesse, upon that sin committed by others, we must thinke that that hath had no small influence, but rather a maine causality in the procureing of these plagues, and it becometh us to be sober in inquireing after other causes hid from us, and rest satisfied with what the Spirit of the Lord is pleased particularly and evidently to poynt forth unto us, and pitch upon, as the peccant and procureing cause.

7. Though we could not satisfy wrangling wits, touching the equity of this, ( which yet the common and ordinary practice of men, forfaiting a whole posterity, for one mans transgression, will not suffer us to account insolent ) yet we ought to rest satisfied with what is clearly and undenyably held forth in the word, and beleve that for these causes, such and such plagues were inflicted upon distinct and different persones, because the spirit of truth sayeth so.

8. As all Scripture was given by the inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness, that the Man of God, may be perfect, thorowly furnished, unto all good works, *2 Tim. 3: v. 16, 17.* So these particular passages, so particularly described are written for our learning, *Rom. 15: ver. 4.* and are our examples, that we should not do as they did, *1 Cor. 10: v. 6.* and are written for our admonition, *1 Cor. 10: ver. 11.* And therefore we must not look slightly upon them, but ponder then narrowly, as so many documents given us for our use and instruction, and particularly, that we may take warning to prevent such evils.

Now let us hear what the *Surveyer* sayeth Pag. 51. He layes downe two assertions [1. *That no man is involved in divine judgments and punishments, for the sinnes of others, ( as the deserving cause of his punishment ) if he be noway accessory to these sinnes of others.* 2. *That no private Subject is accessory to the sins of Rulers,*



or involved in the punishments of the same, meerly upon the account of his tolerating the sinnes, or not violent resisting the Magistrate in his iudicial courses.] *Answ.* Not to enlaige on these now, because of what he is to say in explication of these, & we are then to speak, I would only at present enquire. 1. What accession had the army of *Israel* which was defate by the Men of *Am* (a stroke, which made *Iosua* rent his cloaths, and fall upon his face to the Earth, until the even tyde, he and the Elders of *Israel*, and put dust upon their heads) unto the sin of *Achan*? And why doth the Spirit of the Lord say, *Ios. 7. v. 1.* That the Children of *Israel* had committed a trespass in the accursed thing. And againe *ver. 10, 11, 12.* [And the Lord said unto *Iosua*, Get thee up, wherefore lyeest thou thus upon thy face? *Israel* hath sinned, and they have also transgressed my Covenant - for they have taken of the accursed thing - and they have put it even amongst their owne stuff. Therefore the Children of *Israel* could not stand because they were accursed, neither will I be with you any more, except ye destroy the accursed from amongst you.] Though we can learne of no accession which they had, unto this particular fact, yet we see the whole body is punished as guilty, and must be legally purified, and sanctified, and purged from that contagion. 2. What accession had all these who suffered in these three yeers famine, which was in *Dauid's* dayes, unto that bloody act of *Saul* and his house, which was committed many yeers before thousands of these who suffered therefore knew the right hand from the left, or were borne possibly? 3. What accession had the children unborne to the third and fourth generation, unto the sinnes of their forefathers? and yet the holy Lord thinks good to visite their iniquities on them. 4. What accession had the People unto *Dauid's* sin of numbering, the People? doth not *Dauid* himself say, *2 Sam. 24. ver. 17.* But these sheep, what have they done? But let us heare how he explaineth this, [A certaine thing it is (sayes he) that God doth not properly punish any man but in reference to his owne personal sins (as the deserving cause of the punishment) albeit he may and often taketh occasion, in his wise providence, to punish men for their owne sinnes, from the sinnes of others, (and in that only sense, they may be said to be punished for the sins of others.)

others.) But every soul suffers for his owne sin. Divine justice finding causes of punishment, in every one that is punished, either their personal accession to the sinnes of others (which is their owne sin) or else some other sinnes, for which he may in justice inflict the punishment upon them, albeit the impulsive cause, or occasion rather, for punishing in such a manner and time &c. be from the sinnes of others.] *Ans.*

1. Though vve desire to be vvise unto sobriety in this matter and not to meddle vvith matters beyond our reach, yet vve think it saiser to speak in the language of the Holy Ghost, then in the vvords of this *Surveyer*, vvho giveth us no Scripture for vvhat he sayes. The expreßions of Scripture hold forth something more then a meer occasion: It semeth strange to say that *Ahan's* sin should have been only an occasion of that discomforture: when the Spirit of the Lord sayes, that *Israel* had sinned, and therefore could not stand before their Enemies, because they were accursed, and that till this accursed were taken from amongst them he would not be vvith them any more. 2. He vvould do vvell to explaine to us, vvhat he meaneth by a proper punishment, and vvhat is the opposite tearme thereunto? 3. We grant divine justice findeth deserving causes of punishment in all, in whom is original sin, but vve suppose that vvhen that is not mentioned as the procureing cause of such a stroke, but the sin committed by another, vve ought to look on that mainly, as having a procureing causality in that affliction. 4. How ever, we see he granteth one may be punished for the sin of another (or upon occasion of the sin of another, as he loveth to speak.) to which he hath no personal accession. 5. If these sinnes of others, were only the occasion of punishing in such a manner or time, how cometh it that the very punishment it self is removed, upon the taking away of that sin, according to God's appoyntment, and God is pacified toward the whole, as he was vvith *Israel* vvhen *Ahan* vvvas killed, and Seven of *Saul's* sones hanged up? 6. But whether vve take these sinnes of others, as impulsive causes, or occasions of such punishments: This is cleare. That, if these sinnes had been prevented, these punishments had been prevented also: so that if *Saul* had not gotten liberty to have slaine the *Gibeonites*, in his bloody rage, contrare to oath and Covenant, these three  
yeers

ers famine had not come : And if *David* had been hindered from numbering of the people, and had not gotten his vill, these Seventy thousand had not died then as they did : And seeing no other cause or occasion is rendered of this, it would clearly warne all in a Community and Society, to labour, by all meanes, according to their power and places, to hinder the Committing (or removing when committed) of these finnes, which bring heavy plagues on the Community. The *Dutch. Annot.* on 2 Sam. 21: 1. say that so for this offence, all the land was punished because at least (as it oft hapneth) the people had not hindered it.

Then *Pag.* 52. he cometh to explaine his other assertion, It is no lesse certane (*sayer he*) to us that if the Magistrate do not connive at the finnes of Subjects, nor neglect to curb and punish them, the sins of the people shall no way be imputed to him (*he not being thereunto accessory in any way*) nor shall he be punished for their finnes, which in his place, and calling he is wrestling against] *Answ.* Yet we know, that for the transgression of a land, many are the princes thereof *Prov.* 8. v. 2. And that for a punishment to people, God may even cut the dayes of a good prince, and though we should grant, that it were no proper punishment unto the good Prince, yet materially and in it self it is a stroke. But he addeth. [„Also it is alike certane. That private persons shall not have the finnes of Magistrates, or of the body of the people imputed unto them, nor be punished for the same, if so be they honestly endeavour to do all things against these sins, which in their privat calling they are bound to do.] *Answ.* Be this granted, The main question will be if people can be said to have honestly endeavoured to do all things against these finnes, which in their privat callings they are bound to do, if having power to withstand the committing of these evils, or to remove them after they are committed, yet they forbear, and suffer these things to be done, and labour not to remove them. He addeth, If they keep themselves without any degree of acting these sins, or any way of accession to them, if they mourne and sigh for evils that are done; if they be earnest in prayer, „that

„ that God may convert others from their evil way , if they  
 „ (as they can have opportunity) faithfully admonish and study to  
 „ reclaime those who are out of the way , and do such like  
 „ Christian duties. God will never enter in judgment vwith  
 „ them for not doing violence to the authorities that are above  
 „ them.] *Ans<sup>w</sup>*, If the *Surveyer* would do no more then this,  
 he ought neither to be accounted a good Christian, nor a  
 loyal subject : For, if he saw the King about to cut his  
 owne throat with a knife, or about to do as *Saul* did, fall upon  
 his owne sword, or runing down a precipice to break his neck,  
 would any think he had had done his duty, and exonered  
 his conscience ; if he should not lead his hand unto that  
 mischief, nor thrust him doune the principice, but should  
 roare and cry *God save the King*, and admonish and study, with  
 faire words, to reclaime the King from that cruel deed: would  
 any think but he might have done inore, even if he had  
 had strength enough have holden his hands, and kepted him  
 back from breaking his neck, and yet never have been in any  
 hazard of sinfully touching the Lord's anoynted, or doing  
 violence to the authority that God had set over him. 2. And  
 if Kings may be-resisted, and with violence hindered from  
 putting hands in themselves, or from drinking a cup of  
 poyson, or doing some such deed, which will or may prove  
 destructive to their life and posterity, without doing violence  
 to the authority appoynted of God ; vvhy may they not also  
 be hindered from doing that which will ruine their souls, and  
 prove destructive to their Kingdomes, and bring on the curse  
 and vengeance of God upon young and old, without doing any  
 sinful violence unto the authority? And as in the former  
 case, a man could not but be guilty of the King's death,  
 who knew that it was a cup of poyson which he was to drink,  
 and did not, having power to do it, hinder him from drink-  
 ing it: So in this case, they that have power to hinder the  
 Magistrate from drinking poyson, or doing what may be  
 deadly to thousands of his innocent subjects, and bring  
 downe the curse of God upon him and his posterity, and do  
 it not, cannot but be guilty of that sin before God, and so  
 cannot expect to be free of the punishment which God will  
 inflict



instruct because of that sin, as not having done, even in their private callings, what they were bound to do, viz. not having used their power for the glory of God, the good of the Sovereign and his posterity, nor for the good of the Commonwealth, which they were bound to do.

He tells us moreover concerning that instance of *Manasseh*, *Jer. 15: v. 4.* [That the People were punished, because they were sharers of the guiltinesse (not by not violent resisting, which they were never exhorted to) but by direct or indirect accession otherwayes, *Hos. 5: ver. 11. Jer. 5: v. 31.*] *Ans. 1.* How could young children be accessory, either by consent or any otherwayes to these courses of *Manasseh*? *2.* It were hard to say that even all who were come to the use of reason, were guilty of accession unto these wickednesses, who yet were carryed away captive, such as *Daniel*, *Hananiah*, *Mishael*, and *Azaria*, and others. *3.* That there were many, yea the far greatest part of the People who were guilty, of hainous sinnes, when the final stroke came, cannot be denyed; but, that they were at that same hight of wickednesse, which they were at, in *Manasseh's* dayes is doubted, *4.* We shall grant with *Calvin* on the place. That *Manasseh* alone was not in that transgression, but had many of the People consenting; Yet, as *Manasseh* himself was dead, long ere the stroke came, so were they; and yet for that sin of theirs, the posterity suffered: Yea even notwithstanding that there interveened a National repentance and mourning for that National sin, and National Reformation of these idolatrous courses, in the dayes of *Iosiah*. *5.* Though it be true that the People after *Iosiah's* dayes, returned to their vomite, and had wickednesse enough of their owne, for which God might have punished them; yet it is very remarkable, how that sin of *Manasseh* is particularly mentioned, as if there had not been another, to procure that stroke: and certanely all who read the places cited before, will easily observe that there is something more in them, then an occasion taken to remember that dreadful time of *Manasseh*, when the wickednesse began, as the *Surzever* sayeth in the following words. *6.* It was their sin, I grant, that they did consent; and that sayeth that they should not

have consented, but have refused obedience unto the King's idolatrous mandates, and have hindered in their places, and according to their power, the setting up of these abominations, and should have adhered to the truth and worship of God, as it was practised in the dayes of good *Hezekiah* his Father. 7. He needs not say, they were not exhorted to this violent resisting; for it was but folly to speak of resistance, to these, who so willingly walked after the commandment; and would not do so much as disobey. 8. That place of *Hoseah* speaking of *Ephraim's* willingly walking after the commandment, proves not what the people of *Judah's* carriage was in the dayes of *Manasseh*; albeit we grant the thing was too true of the greatest part, even of them, then: Neither doth the place, *Ier. 5: v. 31*. speak of the dayes of *Manasseh*; for *Jeremiah* was not then a Prophet; for he began to prophecy in the 13 year of *Iosiah*, *Ier. 1: 2*.

Then he cometh, *Pag. 53*, and giveth some reasons: But first we must take notice how he wordeth the principle which he accounteth so dangerous *If it be once admitted* (sayes he) *that the sins of Rulers & Governours involve the People in sin, & make them obnoxious to judgment, (albeit they be not accessory thereto directly only they tolerate what they cannot amend abiding within the bounds of their calling) neither can the consciences of peoples, nor the state of the commonwealth have any true peace or quietnesse.* *Ans.* We might grant him what he desireth, & acknowledge, that this principle is not sound: we do not say so, for we shall grant that (excepting the Lord's Sovereignty of doing as he did in the case of *Achan* & such like,) that the People who are come to age must be directly or indirectly guilty of the sin of Rulers, in which they are involved. But so they are guilty, when they tolerate what they might amend, abiding within the bounds of their calling. But here the difference betwixt him & us lyeth. That he thinketh it is beyond the bounds of the calling of private persones, to hinder Princes from committing such abominations which would ruine them & their subjects both, which we deny, and we have not yet seen him prove it: yea we have shewed the contrary above. But now we proceed to his two reasones. [*For 1.* (sayes he) *Once grant this then what*

a continual puzzle should tender hearted Christians be in, about the actions of their Rulers and Magistrates, and they behoved to meditate with and examine all their proceedings --- matters of government not probably or morally possible for them to know.] *Ans.* We do not, neither need we extend that principle to all the private or personal sinnes of Magistrates, or to such acts which are beyond the reach of the capacity of the vulgar, wherein their invincible ignorance, whether as to the *ius* or *factum*, may excuse them from any accession direct or indirect. If he will grant it to us, in sinnes publick, hainous, and which People can well discern both as to *ius* and *factum*, we desire no more: and if it be limited to these, we will gaine our poynt (for our case is as clear as the Sun) and tender consciences will be free of all puzzle or perplexity. What is his 2. [*Would not this* (sayes he) *be a perpetual Seminary of unavoidable sedition of the Commonwealth, and of exposing the Magistrate to violence, nolesse when he is acting justly, then when unjustly.*] *Ans.* Then this loyal Subject, if he saw an house or a great millstone falling upon the King's head, he would not pull him from under it, lest others under pretence of that, should use violence to the Magistrate, when he is in no hazard. Or if he saw the King putting a cup of poison to his head, or a Knife to his throate, he would not hinder him, lest others under that pretence should hinder him from taking wholesome food, & so starve him; or should under pretence of saving the King, put hands in his Majesty, and stob him under the fifth rib. But doth he not know, that the best things may be abused, and will any, that is wise, say, that he pleadeth for the abuse of a thing, who pleadeth only for its use? 4. By this same reason, he might plead against refusing to give obedience unto the King in all his most sinful commands; for may not seditious and unquyet spirits easily pretend that his commands are unjust, and that if they obey these they are involved in sin and judgment, and so disobey him, even when he commandeth most just and necessary things. If he be not for universal obedience, let him answer this inconvenience in that case, and we shall make use of his answer in this use.



In the next place he cometh to speak of these scriptures, which he allaigeth *Naphrally* doth abuse. The first is *Ier. 26: v. 15.* *If yee put me to death yee shall surely bring innocent blood upon yourselves, and upon this city, and upon the inhabitants thereof, concerning which two things ( he sayes ) are to be remarked.* [1. *That Jeremiah is speaking to the Princes and all the People, warning them not to meddle with his blood; The Princes that they should not unjustly condemne him, The People that they should not consent to, nor co-operate with an unjust sentence, as to the execution thereof ( as the manner of execution was amongst that People, stoning &c. ) And 2. He certifieth both that if they consented and co-operated to his death, they should bring innocent blood upon themselves, and upon the City, and inhabitants thereof. He doth not at all incite the People to rise up and rescue him by violence out of the hands of Rulers, if they should give sentence of death against him, ( neither did ever any of the holy Prophets instigate People to use violent resistance against their perverse Magistrates, nor did they ever reprove arrectly or indirectly that sin of non-violent resistance to Magistrates, as some excessively bold do averr ) but only warns Princes and People both, that they be not by consent and concurrence accessory to his death.*] *Answ. 1.* Here is enough for us: For 1. He granteth the People were not to consent to, nor co-operate with an unjust sentence; but if they should have refused to have co-operated, the sentence had not been executed; and so *Jeremiah* had been really rescued from the sentence, and decree of the Magistrates; so that there needed no other resistance to have been used, innocent blood would not have been shed, and this was sufficient. 2. He needed not to have incited them further unto a violent rescuing of him for though they should have given sentence of death against him, yet if none would have executed it, he had been sufficiently rescued. But what needed more incitation, then to tell that by shedding of his blood they should bring innocent blood upon the whole city, and upon the inhabitants thereof. 3. It was little wonder that the Prophets did not instigate People to use violent resistance unto perverse Magistrates, seeing it was usually such Prince such People, and the People as forward unto wickednesse as the Princes, and



yet we finde the duty of delivering the oppressed urged upon People conjunct with their Rulers: Because both, in their places, should have concurred hereunto; which sayes, that people, though they were not formally to execute Magistratical power, yet they were to concur to have Justice executed, and to have the oppressed delivered, out of the hands of oppressours. And these were judges as well as others, but more of this afterward. 4. This place doth abundantly cleare, That the shedding of innocent blood by Magistrates bringeth judgement on the Subjects: for *Jeremiah* sayes, that if they should have killed him, they should have brought innocent blood not only on themselves, who gave out the sentence, and did execute it; but on the whole city, and on the inhabitants thereof. To this he hath many words *Pag. 55.* but little answer. The summe is this (for it were wearisome to transcribe all his needlesse tautologies and repetitions, which if taken away, his pamphlet of a 120 pages, might be reduced to 20) [*All who were defiled behoved to be accessory either by doing, or not hindering what they were called and capacitated to hinder, which was not by violent resistance: nor doth the Prophet meane, that all the absents should be guilty and properly deserve Gods wrath upon that account, but only that the actors, and such as were accessory, should be guilty, and others should, upon this occasion, fall under wrath, though for other sinnes: and yet the judgement on the People might be a punishment to the Rulers, for that same particular sin; for God may punish Princes or Fathers, in the punishment of Subjects and Children; and yet these same Subjects and Children have no reason to quarrel with God, or to say as it is, Exech. 18: v. 2.*] *Ans.* We grant God may and doth punish Princes and Parents, in their Subjects and Children; and That these same Subjects and Children so punished, have no just cause to say that *their Fathers have eaten sower grapes and that their teeth are set on edge*, as if there were no sin in themselves. But that God may not visite the iniquities of the fathers upon the Children, who have not formally acted these evils, nor consented thereto, we dar not peremptorily assert, against so many clear scriptures. 2. Sure this place seemeth to hint something else, then that this sin of shedding *Jeremias blood*

should be an occasion of God's visiting the City, for their other finnes: For he sayes *you shall bring innocent blood upon this city*: so that by this Murther, they should have brought innocent blood as well on the other inhabitants, as on themselves, who were to be actors: the text maketh no difference. 3. If the People here had done all which in their calling and station, they were capacitated to have done, for hindering of this shedding of blood; they would have hindered it effectually; and further violent resistance was needlesse. If a wicked Magistrat should condemne an innocent person, and make this his sentence, that he should not have the benefite of a lodging within the land, The People need do no more to resist the Magistrat's unjust sentence, but, notwithstanding thereof, receive the innocent into their house, and intertaine him friendly. And still vve say, the People vvere to do all that lay in their power, to hinder innocent blood to be shed, that so innocent blood might not be laid to their charge: And in so far as they came short in this, they made themselves guilty by accession, notwithstanding of any thing he hath said.

The next place he speaketh to, is *Dent. 13.* vvhich vve have already vindicated, and must observe this further, That in all his long ansvvere he speaketh nothing to that vvhich now vve are upon, *viz.* the hazard that People in such a case are into, both of sin; and of judgement, if effectuall course be not taken to suppress idolatry, and apostasy from God, and to put that crying evil avay from amongst them: For *v. 17.* it is clearly held forth, that *till this city and all which was within it, was rooted out: the Lord would not turne from the fiercenesse of his anger, nor shew them mercy, nor have compassion upon them, nor multiply them, as he swore unto their Fathers.* So that their not doing their utmost to execute this sentence of God, made them lyable to the constant abideing of the fierce anger of God upon them, and closed the door of Mercy and compassion, so that they could not expect the blessings promised and Covenanted.

Then *Pag. 59.* he cometh to speak to *Ios. 22: ver. 17, 18, 19.* and tells us *That they were not private persones that transacted their businesse*



*business with the Children of Reuben: for the body of the People concurred with the Magistrates Supream and Subordinate. What makes all this for the encroachment of meer private persons upon the use of the Magistrates avenging sword? ]* *Ans.* It is true the Magistrates and major part of the People were here concurring; but why doth he not take notice of the words cited by *Naphthali* (which clearly hold forth the end of his adduceing that passage) *If yee rebel to day against the Lord, to morrow he will be wroth with the whole congregation of Israel*, which do clearly hold forth, that the defection of a part (though a minor part) will bring wrath upon the whole Nation and Society. And may not any see hence; That each are to concur in their places and Stations, according to their power, to prevent this defection, or to remove it, even when the major part is infected with it; yea even though Magistrates should be remisse, and should rather encourage then discountenance such rebellion against God? Seing the reason holdeth *a fortiori*, for if upon the defection of a minor part, wrath will come upon the whole, much more will wrath come upon the defection of a major part, and of the Magistrates too: And therefore if in the former case, private persons be bound to concur with Magistrates, for rooting out of that provoking sin of a few, then it cannot be unlawful for private persons, in this later case, to do what they can, to stir up Magistrates to their duty, if it be possible, and to prevent their owne destruction from that wrath of God, kindled against all; and to remove the provokeing cause of that anger: And, as we have said, they may take an effectual course for this, without encroaching upon the use of the Magistrate's avenging sword, or exercising any formall Magistratical power.

The next place he speaketh to, is *Iudg. 20.* where *Israel* warreth against *Benjamin* because of a notorious crime acted there, and countenanced and defended by that whole Tribe, to the end that such a crying abomination might be purged out of the land. To which he answereth in short (to let passe his unchristian jibes) thus [ *Though this was when there was no King in Israel, yet it is likely they retained some what of their Sanhedrim appoynted Deut. 17. which in such a horrid case might draw*

together in an extraordinary meeting : It was the body or major part of the People, that useth the sword against the lesser; which maketh nothing for the minor parts using the sword to punish Magistrates & the major part of the People also. ] *Answer.* Though I should grant that they retained yet something of the Sanhedrin, yet in all this passage, there is no mention made thereof; but it is said *v. 1.* That all the Children of Israel went out, & the Congregation was gathered together as one Man, to *Mizpeh*; and resolved not to returne to their owne houses, *ver. 8.* until these Children of *Belial* in *Gibeah* had been executed, and evil was put away from Israel, *Cap. 13: v. 2.* To say that this speaks not to our case, is but to wrangle; for sure if we should suppose that *Benjamin* had been maintaining their integrity, and the true worships of God, against the generality of the People, who had turned idolaters, and had raised war against them, because they would not depart from their profession; would he have condemned the minor part for standing to their defence in this case? Or if they should have joyned together to have hindered the defection of the major part, or removed the corruptious that were prevailing; would he have condemned them? Sure this is not to improve Scripture a right, but rather to elude it; for there is not the least shaddow, that the stresse of the matter is laid on this, that they were the major part.

Finally he cometh to *Achan's* case, *Jos. 7.* and tells us, [ That there is nothing in it, to justify private persones rising against the Magistrates, and plurality of the people, to avert the judgments of God; for what was done to Achan was done by the Supream Magistrate *Josua.* ] *Answer.* But *Naphthali* only maketh use of this place, to shew that our reformers had great reason to feare and tremble, lest the manifest toleration of proud, cruel, flattering Prelats, and idolatrous Priests, whose wickednesse and idolatry, had corrupted the whole land; might involve the whole Nation in destroying indignation; since the wrath of God for the hidden and secret sin of one poor *Achan* suddenly and fearfully overtook the whole People, and all the congregation of Israel, so that that man perished not alone in his inquiry. Now can any body deny this consequence?



quence? But our *surveyer* layeth downe againe his peremptory assertions without further proof, and we have spoken to hem already, and need not repeat things so oft as he gives us occasion so to do, otherwise we should follow this fool in his folly. and weary the reader as he doth, in repeating almost whole pages *verbatim*, let any look and he shall finde the whole 61 page, (except some groundlesse jibes which do not help his cause) nothing almost but repetitions. We shall then goe on, and draw forth our arguments from what is said, to shew that the late act ought rather to be praised then condemned.

For 1. Thereby they were endeavouring, according to their power and places, (as that exigent required) when all doores were closed from essaying any other meane, not only to defend themselves against manifest and intolerable injury and oppression, but to save themselves, their posterity, and the whole land (so far as lay in their power) from the wrath and vengeance of God, and the dreadful plagues and judgments that were and are to be expected, for the dreadful and unparallelable apostasy and defection of a corrupt ministry. Did God threaten that *Zion* should be plowed as a field, and *Ierusalem* become as a heape, That *Jacob* should be given to the curse, and *Israel* to reproaches, for the sinnes of a corrupt ministry; and when our eyes did never see a more corrupt company, who have partly apostatized from their sworne profession, and partly are thrust in over stocks, to the ruineing of their souls, the corrupting of the truthes of God, and to be a standing occasion of dreadful persecution unto them; and when, for this cause, nothing could or can be looked for, from the hands of a just and jealous God, but wrath without remedy, and judgment after judgment, till we become as plowed fields, and as heaps: Can or ought these to be blamed, who standing to their sworne profession, were labouring in the integrity of their hearts, to purge the land of these plagues and locusts, that we might become a holy and pure Church unto the Lord, and that the Lord might delight to dwell among us; and for this end,ooke their lives in their hands, and essayed that now sole re-

medy, seing there was no other meane left unto them, whereby to attaine this noble End.

2. When one Apostat city not taken course with, according to the command of God, would provoke God to anger against the whole assembly of God's People, so that till it was destroyed, he would not have mercy or compassion upon them; was there not much more reason to feare, that God's anger should burne against *Scotland* his covenanted People, and that he should have no more mercy on us, since there was such a dreadful defection in it, whereof not only one city, but many cities were in an eminent manner guilty, having so foulely departed from their sworne truth and profession, and openly and avowedly revolted from God and his wayes, and since there was no other way imaginable to prevent this heavy indignation of God? Shall any condemne these, who out of Zeal to God's Glory, and for the good of the poor land, whereof they were members, took their lives in their hands, and did what lay in their power, to have that corruption and apostasy removed, and God restored to his honour, and the land to its Covenanted integrity?

3. Since the backslideing and defection of a few members of a Society, joyned together in a Covenant to God as his People, brings vvrath upon the vvhole; if timeous remedy be not used, as the forecited places shew: Shall any condemne these vyho endeavoured according to their povver, to prevent the destruction that vvas and is to be feared, for the defection not of a fevv, not of one poor *Achan*, but of multitudes, and that of all ranks and conditions?

4. Did the people of *Israel* goe out as one man, to prevent apostasy, when they heard some rumore thereof in a part of their number; and to take course with, and purge the land of a crying evil that was committed in one of their cities: & who shall condemne these, who lately went out with one heart and spirit, to do what in them lay, to remove the farre carryed-on defection, and the dreadful evil of perjury and many other hainous crimes, that did & yet do abound, whereof Many of all rankes were guilty, even such as should have been, by their publick places and stations, eminently appeared

ing on the head of these worthyes, for the glory of God, and the good of the whole Church and Kingdome.

5. Seing the publick transgressions of Kings and Princes, do hazard the whole Realme and Commonwealth, as the instances formerly adduced do cleare; How much reason have People of all rankes, qualities and conditions, to be doing what lyeth in their power, either to prevent and hinder that these iniquities be not committed, which prove destructive unto the Land, or labour by all meanes to have them done away when committed, before the fierce anger of the Lord break forth? And since it is notour and undenyable how our King and Nobles, and other judges have revolted from a sworne Covenant, Truth and Profession, and openly and avowedly, renounced the interest of Christ, and conspired against his truth and cause; can any blame these worthyes who endeavoured according to their power, to have these crying abominations remedied, that the wrath of God should not consume us root and branch, and burne so as it should not be quenched?

What can be replied to these reasons, is sufficiently answered already; and I would further propose this to be seriously considered by all: let us put the case, That King and Princes should conspire together, to poyson all the fountains of water in the Land, and lay downe a course, how they should be kept so, and people should be forced to drink of these poysoned waters; would not any rational man think, that when no meanes else could prevaile, People might lawfully with force, see to their owne lives, and to the lives of their little ones? And shall we be allowed to use violent resistance, for the lives of our bodyes, and not also for the lives of our souls? shall people be allowed to run together, & with force, when they can no otherwayes, keep the springs of water cleare, for their owne lives or healths, and of their posterity also; and shall they be condemned for running together to keep their Religion as it was reformed, pure and uncorrupted? Who but Atheists will say this? Againe put the case. That the Magistrates of some Brugh or City were about to do, or had already done, some publick prohibited



bited action, which would so irritate the Sovereigne or Prince, that he would come with an hudge army and cut off the city, man, wife and childe: would any in this case, condemne the private inhabitants of that Brough or City, if, when no other mean could be essayed effectually to hinder the same, they should with force, either hinder them from doing that irritating action, or if done, should endeavour to remedy the matter the best way they could, for the good of the City, to prevent its ruine and overthrow, and for their owne saifty, and for the saifty of their posterity? And why then shall any condemne the late defenders, who, when the Magistrate, by their many sinful and publick actions, had provoked the King of Kings to anger and jealousy against the whole land, so that in justice they could expect nothing but the vvrath and vengeance of God to root them out and their posterity, laboured what they could, to have the wrath of the King of Kings pacified, and the wicked deeds provoking him remedied? Would the Sovereigne in the former case account these privat persons traitours to their Magistrates, and not rather more loyal Subjects to him, then the Magistrates themselves? And shall we think that the King of Kings shall account the late act, disloyalty to the King and Magistrates, and not rather commendable loyalty to him, and faithful service?

There is another argument much of the Nature with the preceeding, taken from the grounds of Christian love and affection, whereby each is bound to preserve the life and welfare of another, as he would do his owne: and as each would have another helping him, in the day when he is unjustly wronged and oppressed, so he should be willing to helpe others when it is in the power of his hand to doe it according to that royal law of Christ's, *Mat. 7: ver. 12. Luk. 6: ver. 31. Therefore all things whatsoever ye would that men should do to you, do ye even so them, for this is the law and the prophets.* It is unnaturall and unchristian both, to say *am I my brother's keeper.* Sure he who helps not his brother against a murderer, when he may do it, is before God, guilty of the man's blood. *Meroz* and the inhabitants thereof were to be cursed bitterly

itterly, because they came not out to the help of the Lord and his People, against the mighty, *Judg. 5*. Was not *David* helped thus against the Tyranny and wickednesse of King *Saul*? And honest *Jonathan* rescued from the hands of his bloody Father? *Prov. 24: ver. 11, and 12*. If thou forbear to deliver them that are drawne unto death, and these that are ready to be slaine: If thou sayest behold we knew it not, doth not he that pondereth the heart consider? And he that keepeth thy soull, doth not he know it? And shall not he render to every man according to his work? Now the text maketh no difference whether they be drawne to death unjustly by private persons or by Magistrates: They are (if they can do it) with force to rescue such; for so the word imports as *1 Sam. 30: 18*. *2 King. 18: 34*. *1 Sam. 17: 35*. *Hos. 5: 14*. And this did famous *Mr. Knox* avow unto *Lislingroun*, in his discourse with him, registrated in the history of reformation. Hence it is that *Jeremiah Cap. 22: 23*. cryeth to the People as well as to the King, execute judgment and righteousness and deliver the spoiled out of the hand of the oppressor: and though it be true, as *Calvin* on the place sayeth, that this did chiefly belong to the judges and Magistrates; Yet, when their proceeding in this course of oppressing of the stranger, the fatherlesse and the widow, and of shedding innocent blood, would provoke God to execute what he threateneth with an oath, *ver. 5*. And make that house a desolation, and prepare destroyers against it and the whole city *ver. 7: 8*. and when all this is spoken in the eares of the people, it would seem to import, that even they should have stood in the way of such oppression, and delivered the spoiled out of the hands of the oppressor, & not have suffered innocent blood to have been shed, especially when inferiour as well as Superiour Magistrates were oppressing and tyrannizing, and were the only oppressours and wolves as we see *Esa. 1: 21. and. 3, 12, 14, 15*. *Micha. 3: 9, 10*. *Ezech. 22: 27*. And many of the people conjoynd with them in the like, as encouraged by their practice *ver. 29*. see further for this *Isa. 1: ver. 10, 17*. *Ier. 5: ver. 2, 5, 6*. But sayes our Surveyer *Pag. 53*. [That such propheticall preachings uttered to the body of Rulers

*Rulers and People, are to be understood as reproveing what was amiss, in every one, in their respective calling, and as injoying such duty as might be done by every one, salvâ justitiâ, salvo ordine, & pro modulo vocationis -- but to say that they minded to condemn in People, the grand sin of non-resistance to the oppressing Magistrates, or to incite private persons to pull the sword out of the Magistrate's hand, & relieve the oppressed, & execute judgment on the oppressors, even Magistrates (as Lex Rex doth say Pag. 367,) is not only a most fearful perverting of the most holy scripture -- but a doctrine that tends directly to horrid confusion & utter subversion of humane societies*

*Ans.* We shall easily grant, that in those sermons, every one was reprov'd for what was amiss in his respective calling, and all were enjoyned to do, what might be done by them according to their places and callings, and without wronging of justice: But we averre, that it was the duty of private persons to hinder, so far as lay in their power, the shedding of innocent blood, the oppressing of the innocent, and wronging the widow and fatherlesse. If a Magistrate in a rage run upon an innocent person going by, to kill him, It is the part of any private person that is next, to hinder the Magistrate from committing manifest murther, without breach of justice, order, or the extent of his calling: Because in that case he is not acting the part of a judge. So a judge perverting judgment, and manifestly oppressing the innocent, is no judge authorized of God for that; but a private person, and may as justly be withheld from murdering or oppressing, as any other Man. 2. They might presse them to relieve the oppressed though they did not incite them to pull the sword out of the Magistrate's hand: viz. by hindering, according to their power, oppression to be committed; and this might be without the least violence done to the Magistrate's power and authority, as is shew'd; So might they move them to execute judgment not formally but materially, by hindering justice according to their power, or labouring to have the law executed according to God's word. 3. *Lex Rex* speaketh no such thing in that place, as any will see who read it. 4. It is but his ignorance to say, that in this we fearfully pervert the holy scripture. 5. How will he shew that



at this doctrine tends to horrid confusion? He tels us Pag.  
 40. [*That such pretences will not be wanting to the worst of men, and  
 the best Magistrate, proceeding most legally, shall never have security  
 from seditious parties*] Answ. But sure his doctrine tendeth  
 more to confusion; for, by it every Magistat of the land  
 hath power to kill and destroy vvhom he vvill: and thus  
 Magistrates should be formally constituted wolves. 2. But  
 how oft will he put us to tell him, that the best truth may be  
 abused? 3. But let him speak in earnest, what would he  
 do if he saw his wife carryed away by some drunken officers,  
 before a judge drunk as a beast, so as he could neither hear  
 or speak sense, who yet without further proceffe, would  
 condemne her to be brunt as a witch, or executed as a harlot,  
 would he not labour, if he had power, to relieve his inno-  
 cent wife out of the hands of these bloody oppressours?  
 What would he then do with his pretences? Would these  
 hurt his tender conscience? I suppose not. And what if he  
 saw the King, without ground, or colour of reason, possibly  
 upon a mistake, runing in a rage to kill his wife, or only son,  
 would he not help the innocent in that case, and hold the  
 King with force? Or would he only assist them by prayers  
 to God for them, by consolatory words, by giving counsel  
 to them, or by supplications to the Magistrate with all du-  
 full respects, and if nothing could avail, sit dovne as  
 having discharged his duty; and vvould not resist more?  
 (which he thinketh is all vvwhich is required of private per-  
 sons Pag. 49.) If so, many might think he vv ere accessory  
 to the death of his vvife or childe, and so possibly might the  
 King, when he came to himself, and his rage was off him, and  
 he convinced of his mistake. And if he vvould hinder in-  
 nocent blood to be shed (as rational people will easily think  
 he might) how shall he salve the matter, for the vvorst of  
 men may resist the best Magistrate, proceeding most legally,  
 upon pretences, that the King is in a rage, he hath no shaddow  
 of law or reason for him, he is mistaken of the persones &c.  
 and would he think, that in his case, there were a necessary  
 connexion betvvixt resistance and revenge? and if he should  
 have the upper hand in the matter of resistance, could he not  
 sit

sit down satisfied? If he could: then he may think that these two, may be separated in exercise and practice, in other cases, as well as in his own, unless the fault be on the Magistrate's side. Thus is answered also what he hath Pag. 49. for it is but the same thing which he hath in the place before considered. He is tedious in his repetitions, and therefore we proceed to our arguments.

And. 1. If Humanity, Brotherly Affection, Christian Love, Tenderneſſe and Compaſſion to a suffering injured brother, call for help and releef at the hands of others, according to their power and capacities: Then none can juſtly blame or condemne the late riſers for endeavouring in their places, & according to their power, the releife of their oppreſſed brethren, with violence, when no other meane was left feaſible or practicable. Their Solemne covenants did engadge them to account each injury done unto any Covenanters, upon that account, as done unto themſelves; And to vindicate and maintaine the libertyes of the Subjects, in all theſe things, which concerne their Conſciences, Perſones and Eſtates, and who can blame them for paying their vows unto God?

2. If this ſame duty was expreſſly required of the people of God of old, that they ſhould endeavour to relieve the oppreſſed, and to prevent the ſhedding of innocent blood. Then none can juſtly blame thoſe late valient vindicator of juſtice, and relievers of the oppreſſed. But the former is true, as the places above cited do ſhow. Therefore &c.

3. If their forbearing had made them guilty before God of the oppreſſion and bloodſhed committed, when it was in their power to help it: Then they could not forbear to do what they did, without ſin. But the former is true. The very *Egyptians* knew ſo much by the light of nature, when by their law, ſuch as did not relieve the oppreſſed, when it was in their power, were accuſed upon their head; and if they were not able to help, they were bound to accuſe the oppreſſor, or elſe they were to be whipped, & to endure three dayes hunger.

I shall close this chapter, as I did the former, with a testimony of famous *Mr. Knox*, that it may be seen to be no new doctrine of ours. In his admonition to the Commonalty of *Scotland* he hath these words, neer the end, [,, These vaine excuses I say, will nothing availe you, in the presence of God, who requireth no lesse of the Subjects, then of their Rulers — and if yee think that ye are innocent; because you are not the chief actors of such iniquity, ye are utterly deceived, for God doth not only punish the chiefe offenders, but with them, doth he condemne the consenters to such iniquity, and all are judged to consent, that knowing impiety committed give no testimony, that the same displeaseth them. To speak this matter more plaine: As your Princes and Rulers are criminal with your Bishops, of all Idolatry committed, and of all the innocent blood that is shed, for the testimony of Christs truth; and that becaule they maintaine them in their tyranny: So are yee (I meane so many of you, as give no plaine confession to the contrary) criminal and guilty with your Princes and Rulers, in the same crimes; because you assist and maintaine your Princes in their blind rage, and give no declaration that their tyranny displeaseth you. This doctrine I know is strange to the blinde world, but the verity thereof hath been declared in all notable punishments from the beginning; vwhen the Original vworld perished by vvater; vwhen *Sodome* and *Gemorah* vvere punished by fire; and finally, vwhen *Ierusalem* vvwas horribly destroyed, doth any think that all vvwere alike vvicked before the vvorld? Evident it is, that they vvwere not, if they be judged according to their external facts; for some were young and could not be oppressours, nor could defile themselves with unnatural, and beastly lusts; Some were pitiful and gentle of nature, and did not thirst for the blood of Christ, and his Apostles: but did any escape the plagues and vengeance which did apprehend the multitude? let the scripture witnesse, and the histories be considered, which plainly do testify that by the vvaters, all flesh on earth at that time, did perish, (*Noah* and his family reserved)



„ That none escaped in *Sodome* and in the other cities adja-  
„ cent, except *Lot* and his two daughters; And evident  
„ it is that in that famous city of *Ierusalem*, in that last and  
„ horrible destruction, none escaped God's vengeance, except  
„ so many as before were dispersed. And what is the cause  
„ of this severity, seeing that all were not alike offenders?  
„ let flesh cease to disput with God, and let all men by these  
„ examples learne betimes to flee and avoyd the society and  
„ company of the proud contemners of God, if that they  
„ list not to be partakers of their plagues. The cause is  
„ evident, if we can be subject, without grudging, to  
„ God's judgments, which in themselves are most holy and  
„ just; for in the original world none was found that either  
„ did resist tyranny, nor yet that earnestly reprehended the  
„ same. In *Sodome* was none found that did gain-stand that  
„ furious and beastly multitude that did compasse about and  
„ besiege the house of *Lot* ——— and finally in *Ierusalem* was  
„ found none that studyed to repress the tyranny of the priests  
„ vvhovvere conjured against Christ and his Evangel: but  
„ all fainted (I except ever such as gave vvitness with their  
„ blood, or flying, that such impiety displeased them) all  
„ kepted silence, by the which all approved iniquity, and  
„ joyned hands with the Tyrants, and so were arrayed and  
„ set, as it were, in one battel against the almighty, and  
„ against his Son Christ Jesus; for whosoever gathereth not  
„ with Christ, in the day of his harvest, is judged to scatter,  
„ and therefore of one vengeance temporal, were they all  
„ partakers, ——— will God in this behalf hold you as in-  
„ nocents, be not deceived dear Brethren, God hath punish-  
„ ed not only the proud tyrants, filthy persones, and cruel  
„ murderers, but also such as with them did draw the yoke  
„ of iniquity, vvas it by flattering their offences, obeying  
„ their unjust commands, or in winking at their manifest  
„ iniquity. All such, I say, God once punished, vvith  
„ the chief offenders. Be ye assured brethren, That as he is  
„ immutable in nature, so will he not pardon you in that  
„ which he hath punished in others, and now the lesse, be-  
„ cause he hath plainly admonished you of the dangers to

come, and hath offered you his mercy, before he poure forth his wrath and displeasure upon the disobedient.] So in his exhortation to *England*, *Pag. 107.* [„ No other assurance will I require that your plagues are at hand, and that your destruction approacheth, then that I shall understand that yee do justify your selves in this your former iniquity: absolve and flatter you who list, God the Father, His son Christ Jesus, his holy Angels, the creatures sensible and insensible in heaven and earth, shall rise in judgment and shall condemne you, if in time you repent not. The cause why I wrape you all in idolatry, all in murther, and all in one and the same iniquity, is, that none of you hath done his duty, none hath remembered his office and charge, which was to have resisted to the uttermost of your power, that impiety at the beginning, but you have all followed the wicked commandement, and all have consented to cruel murther; in so far as in your eyes, your Brethren have most unjustly suffered, and none opened his mouth to complaine of that injury, cruelty and Murther. I do ever except such as either by their death, by abstaining from Idolatry, or by avoiding the realme for iniquity in the same committed, did give testimony that such an horrible falling from God did inwardly grieve them. But all the rest even from the highest to the lowest, I feare no more to accuse of idolatry, of treason committed against God, and of cruel Murthering of their brethren, then did *Zecharias* the son of *Iehojadah.* *2 Chron. 24: ver. 20.* feare to say to the King, Princes and People of *Judah.* *Why have yee transgressed the commandements of the Eternal God? it shall not prosperously succeed unto you, but even as ye have left the Lord, so shall he leave you]* And, againe *Pag. 109.* [„ But let his holy and blessed ordinances commanded by Jesus Christ to his Kirk, be within the bounds so sure and established, that if Prince King or Emperour would interprise to change or disannul the same, that he be the reputed enemy of God, and therefore unworthy to reigne above his people? Yea, that the same Man or Men that goe about to destroy God's true Religion once established, and to erect idolatry

„ which God detasteth, be adjudged to death, according to  
 „ God's commandement: The negligence of which part,  
 „ hath made you all ( these only excepted which before I  
 „ have expressed ) murderers of your Brethren, denyers of  
 „ Christ Jesus, and manifest traitours to God's Sovereigne  
 „ Majesty: Which horrible crimes if ye will avoyd in time  
 „ coming, then must yee ( I meane the Princes Rulers and  
 „ People of the realme ) by solemne Covenant renew the  
 „ oath betwixt God and you, in that forme and as *Asa* King  
 „ of *Judah* did in the like case 2 *Chron.* 15. ——— This is thy  
 „ duty, & this is the only remedy *O England* to stay God's ven-  
 „ geance, which thou hast long deserved, and shall not  
 „ escape, if his Religion and Honour be subject to mutation  
 „ and change, as oft as thy Rulers list. ] The-reader may  
 consider also what he sayes to this in his discourse with *Li-*  
*stingtons*, who was of this *Surveyer's* judgment, *History of Re-*  
*formation*, *Lib.* 4.

This is consonant likewise unto our confession of faith autho-  
 rized by King *James* and Parliament *Anno* 1567. *Act.* 14.  
 where among good works of the 2 table, these are mentioned  
*To honour Father, Mother, Princes, Rulers, and Superiour pow-*  
*ers; To love them, to support them, yea to obey their charge ( not re-*  
*pugning to the commandement of God ) to save the lives of innocents,*  
*to repressse tyranny, to defend the oppressed, &c.]* the contrary  
 whereof is [ *To disobey or resist any that God hath placed in au-*  
*thority ( while they passe not over the bounds of their office ) to murder,*  
*or to consent thereunto, to bear harred, or to let innocent blood be*  
*shed if we may withstand it, &c.]* Citeing in the Margine,  
*Ezech.* 22: 1, 2, 3, 4. &c. where the bloody City is to be judg-  
 ed, because she relieved not the oppressed out of the hand  
 of bloody Princes v. 6.

And to what *Ambrose* sayeth *de offic.* *Lib.* 1. c. 36. saying  
*qui non repellit a socio injuriam si potest, tam est in vitio quam ille*  
*qui facit.* i. e. he who doth not repel an injury from his  
 brother when he may, is as guilty as he who doth the injury.  
 And this he cleareth by *Moses* his deed, defending the  
 Hebrew against the Egyptian.



## C A P X I.

## Of our qualified alledgiance to the King.

## Our Arguments hence.

**T**He author of *Naphtaly* Pag. 177. said [*That all powers are subordinate to the Most high, and appoynted and limited by his holy will and commandement, for his owne glory, and the Peoples good; and our allegiance was and standeth perpetually and exprestly thus qualified, viz. in defence of Religion and Liberty, according to our first and second Covenants -- all allegiance & obedience to any created power whatsoever (though in the construction of charity apparently indefinite, yet) in its owne nature is indispensably thus restricted.*] By which words, any, who will duely consider the scope which that author doth drive at, will see, That his meaning was, That as obedience and alliaigeance is to be given to Magistrates only in the Lord, So the same ought to be promised with this qualification or limitation, so far as it is not contrary to Religion and Liberty of the Subject: & thus we all swore to defend his Majesties person and auctority in the preservation and defence of the true Religion, and Liberties of the Kingdomes; and it is plaine to all who will not shut their eyes, that the foresaid author putteth no corrupt glosse upon that necessary clause and qualification; for while he is dissuadeing from taking of that bond, which was urged upon the People of *Edinburgh*, he useth the words cited, & further addeth [„To  
„renew the same, or take any the like oath of allegiance pure-  
„ly, and simply; purposely omitting the former and due re-  
„striction, especially when the powers are in most manifest,  
„& notorious rebellion against the Lord & opposition to his  
„cause and Covenant, is in effect, equivalent to an expresse re-  
„jecting and disowning of the same limitation, and of the  
„Soveraigne prerogative of the Great God and King over  
„all, which is thereby reserved; & as much as in plaine tear-  
„mes to affirme, *That whatever abused auctority shall command or*  
„do, either as to the overturning of the work of God, subverting

of Religion, destroying of Rights and Liberties, or persecuting of all the faithful to the utmost extremity, we shall not only stupidly endure it, but actively concurre with, and assist in all this tyranny.] What could have been spoken either more full, or plaine, both for explicating the genuine import of that restriction or qualification, or the authors Orthodox sense thereof? Yet behold how this wrangling pamphleter, because he can get nothing to say against the truth asserted, must wrest words and sense and all, that he may have something to say against the straw-adversary of his owne setting up. Therefore he tells us *Pag. 6.* [*Can this assertion subsist that neither alledgiance, or fidelity, nor obedience is to be given to any created power, but in defence of Religion and Liberty?* As if *Naphtaly* had meant, That no alledgiance, fidelity or obedience was due, or to be given to the created powers, but when and in so far as, they did actually owne, and contribute their utmost for the promoting or establishing of Religion and the Liberties of the People. Whileas his meaning is clearly seen to have been this, That as all powers are subordinate unto God the great King over all; So all alledgiance, fidelity, or obedience is to be promised and given unto them, with a reserve of the allegiance, fidelity and obedience due to God the Highest of all; and that man's interest is not to be preferred unto God's, but alwayes acknowledged in subordination thereunto: So that when earthly powers are stated Enemies to Christ and his interest, no absolute allegiance, fidelity, or obedience is to be promised, But alwayes with this restriction, or limitation: Neither are the Subjects bound to concurre, or assist them, while in such a stated course of opposition to the King of King's, and while actively endeavouring to destroy his great interest in the world. But what sayes our *Surveyer* further [*That obedience is not to be given unto any creature on earth, against Religion or the revealed will of God, shall be easily granted; we abhorre the very thought of so doing.*] *Ans.* Though he abhorre the very thought of so doing; yet many will say that he hath not abhorred to do it: It is against God's expresse and revealed will to commit perjury, and renounce a Covenant sworne with hands lifted up to the most high

high God, and yet he knowes who is guilty of this, & maketh the will of a creature the Law of the Conscience, when the appendix is a full belly. [*Againe (sayes he) it shall not be said that obedience is to be given to powers against the liberty competent to us as subjects, and consistent with Sovereignty; yet so that the measure of that liberty must not be made by every man's private will, but by the declarature of the Parliament, representative of the Subjects, which best knowes what thereunto belongs.*] *Ans.* This royal liberal man would seem to yeeld something in favours of the liberty of the People, but with his annexed clause and restrictions, he takes all back againe: For 1. sayes he, it must be *consistent with Sovereignty*, and how wide a mouth this Sovereignty hath, in his and his complices estimation, many know, and we have seen in part, even so wide as that is shall swallow up all the Peoples liberties; like one of *Pharaohs* leane kine that eats up the fat and yet is never the fatter. Then 2. it must be determined by the Representatives, as if the Representatives were not *ex officio* bound and obliged to maintaine the Liberties of the People, which belong to the People, ere the Representatives have a being; and as if it were in the power of the Representatives to sell and betray the Libertyes of the People; or as if no more were competent to the Subjects *de jure* then what they will: Hath a man no more right to his lands and heritages then what his advocate, who betrayeth his trust for a larger summe of money, alloweth him or declareth? We know Parliaments can basely betray their trust, and sell away the Libertyes of a People, contrare to their vow and oath to God, and their obligation to the People, whose trustees they should be; and shall People have no more liberty competent to them, then what a perfidious company conspired against the good of the Commonwealth, to pleasure a sinful Creature, determineth by their declarature? This is hard if true, for then a Parliament might sell them and their posterity for bondmen and bond women to the *Turk* for ever. But we see no more reason, for asserting an infallibility, or absolutenesse of power in Parliaments, then in Princes. What further? [*But to say, that all (not only obedience but) allegiance and fidelity, due to any*



*created power is indispensably restricted to this qualification in defence of Religion and liberty, viz. of the Subjects, is a most false assertion.]* *Answ.* He said not *restricted to this qualification*, but *thus qualified*, and *thus restricted*. This must be either ignorance, or worse in this pamphleter, thus to wrong the author. But, vvhat vvas the authors meaning vve have shevved. Let us heare The pamphleting Prelate [*It is knowne* (sayes he) *that a restriction excludes all other cases which are not in the restrictive proposition included, &c.*] *Answ.* All this is founded upon his either wilfull or ignorant mistake; for the author took not the restriction, so (as we have seen) as to exclude all fidelity or obedience, except in things tending immediatly and directly unto the good of Religion and Liberty of the Subject: But so as that we might do nothing in prejudice of *Religion* and *Liberty*, nor yeeld obedience to him in any thing tending to the hurt of either: & thus is our obedience to be restricted, or qualified. We deny not obedience, even when the act of obedience, cannot be properly & directly said to be either in defence of Religion or the liberty of the subject: So that we crosse not what the ministers said unto the doctors of *Aberdeen*: for we take not that clause as *exclusive*, that is, that we shall never defend his person and authority but when he is actually & actively defending Religion & Libertyes; but only as a restriction or qualification, thus, that we shall defend his person & authority, so far as may consist with Religion & Libertyes: And thus we agree also with the general assemblie 1639. for we say it is the Subjects duty to concurre with their friends and followers, as they shall be required, in every cause that concernes his Majesties honour, yet so as that they do nothing to the prejudice of Religion or Libertyes. *But furder* (sayes he) *as to the poynt of allegiance or fidelity, that is another matter then obedience]* *Answ.* True, when men will become very critical; but the scope of the place sheweth in what sense he took it, not only as includeing an owneing of him as lawfull and rightful King &c. but as includeing also a promise of active concurrence in defending of him and his interest: and so while this is urged in an absolute, illimited, unqualified or un-restricted way he made it all one with obedience. It is true, a man

may keep allegiance or fidelity to the King, when he cannot obey his commands; yet the clause of the Covenant respects allegiance as well as obedience, in so far, as we are not to defend his person and authority absolutely, but in defence of the true Religion and Liberties of the Subjects. Allegiance then is a comprehensive thing, not only taking in an owning of the King as rightful King, and fidelity to his person crowne and dignity against conspiracies and treasons; but also an active concurring to promote his honour and dignity, and to defend his person and authority: And so all who say allegiance must be qualified according to this restriction, do not meane every thing in allegiance, but that which is expressed in the Covenants. So that it is his ignorant inference, to say, That that which *Naphthali* sayeth is contrary to the confession of faith *Cap. 23. §. 4.* which sayeth *difference in Religion doth not make voyd the Magistrates just and legal authority, nor free the people from their due obedience to him*, unlesse he think the article of the Covenant, interfereth with the confession of faith, which he dar not assert; but if he do assert it, let us hear by his next what he will say to the *Apologetical Relation*, *Pag. 386. 387. 388. 389. 390.* where that clause of the Covenant is vindicated. He addeth [*It is the Lord's way for keeping humane societies from grosse disorders, to allow to such as are in supreme power by lawful calling, the honour due unto their place, although in the maine things they pervert the Ends of government, dishonouring him by a false Religion, or seduceing others to their evil way.*] *Ans.* Do we say that honour is not due unto Magistrates of another Religion, because we say that we must promise allegiance and obedience to them *in the Lord*; and must not concurre with them, nor contribute our power unto them, to the manifest detriment of Religion and Libertyes? This is like the rest of this Man's foolish inferences. Or doth he think that we cannot give to *Cesar* the things vvhich are *Cesar's*, unlesse vve give him also, the things which are God's, and are the Peoples? Then he citeth *Calv. Instit. Lib. 4. c. 20. §. 25. 27.* But He speaketh nothing contrare to the businesse we are upon: Doth he think that *Calvin* was of the judgment that People are bound to sweare absolute

Subjection, allegiance or fidelity and obedience to all wicked princes, whatever right they may have to the place: That subjects are bound to obey, and to sweare allegiance *in the Lord* unto wicked Kings who denyeth? do vve say that vvicked Kings, because vvicked, are *eo ipso* no Kings; nor to be acknowledged as Kings? What then doth this testimony make against thus? But 2. will he stand to what *Calvin* sayeth? Then he must condemne vvhat King and Parliamēt have done, in taking the life of the *Marquisse of Argyle*; and say that they are guilty of innocent blood; for by vvhat *Calvin* here sayeth, vve were as much bound to acknowvledge *Cromwel* then, vvhen he did Reigne, as now to acknowledge the King: for he speaks of all *qui quoquo modo rerum potiuntur*. How will he then free himself from treason? For sure in *Calvine's* judgment, *Argile* did but his duty, though he had done more, and yet he was condemned as a *Traitour*: can he reconcile this with *Calvine's* judgment?

So then our promiseing and swearing alleagiance, fidelity, and obedience to the King, being with a reserve of our alleagiance, fidelity, and obedience unto the Supreamē King of Kings and Lord of Lords, and according to that due subordination, and thus limited and restricted, that we may do nothing against God, or in prejudice of his interests; no person can with any colour of law or conscience, challenge or accuse any of Treason or Rebellion against the King, when they preferre the interest of God unto Man's, and labour to secure Religion and the interest of Christ, unto which they are absolutely, and indispensably obliged, and from which obligation and alleagiance, no authority of man can loose them, notwithstanding that in so doing, they postpone the authority of man, and their alleagiance thereunto, and lay it by; seing it is of no force, when it cometh in competition with the authority of God, and is stated against that Religion, which by divine authority they are bound to maintaine, with hazard and losse of their lives, goods and fortunes; And therefore the late act of defence being, according to their sworne alleagiance to God, a necessary defence of Religion, cannot be condemned of Treason or Rebellion, though



though it wanted that formality of the authority of Subordinate powers: As postponing the authority of inferiour Magistrates, in act of obedience, and duty of alleagiance unto the Superiour, can be no proper disloyalty or rebellion; so nor can the postponing of the authority, of Superiour and inferiour Magistrates, in poynt of obedience, and performing alleagiance unto the most Supream, be really treasonable, seditious, or rebellious.

2. If we be sworne to maintaine the King's person and authority, in the defence of the liberties of the subject: Then who ever preferre the Liberties of the Subject unto his person and authority, are not Traitours or Rebels: And so the late act of defence, being for the liberties of the subject, when they were basely betrayed, sold, and given away, by a company conjured into a conspiracy against the same, and were trode upon, and violently plucked away, cannot in conscience, or in the law of God, or according to any just law of man, be accounted, or condemned as, an act of Treason or Rebellion.

## CAP. XII.

### Some moe Arguments Briefly proposed and Prosecuted.

WE have in the preceeding Chapters proponed and considered such arguments as gave us occasion to meet with what this *Surveyer* allaidged. We shall here, ere we come to consider his objections, briefly summe up other arguments.

The worthy author of *Lex Rex Quest. 28. and 31.* hath some, which we shall here set downe, partly because that book is not in every mans hand, and partly because this windy man pretends to have answered much of that book, though he hath not so much as offered to make a reply unto the six hundereth part thereof.

1 Pag. 261. thus he argueth, [*That power which is obliged to command and rule justly and religiously, for the good of the subjects, and is only set over the people on these conditions, and not absolutely; cannot tye the people to subjection without resistance, when the power is abused to the destruction of lawes, religion, and the subjects. But all power of the law is thus obliged Rom. 13: ver. 4. Deut. 17: ver. 18. 19. 23. 2 Chron. 19: ver. 6. Psal. 132. ver. 11. 12. and 89. ver. 30. 31. 2 Sam. 7: ver. 12. Jer. 17: ver. 24, 25, And hath been & maybe abused by Kings, to the destruction of Lawes Religion, and Subjects. The proposition is cleare, for the powers that tye us to subjection, only are of God. 2. Because to resist them is to resist the ordinance of God. 3, Because they are not a terror to good works but to evil. 4. Because they are God's ministers for our good: But abused powers are not of God but of men, are not ordinances of God, they are a terror to good works not to evil, they are not God's ministers for our good.*]

2. (ibid) [*That power which is contrary to law, and is evil and tyrannical, can tye none to subjection, but is a meer tyrannical power and unlawful; and if it tye not to subjection, it may lawfully be resisted. But the power of a King abused to the destruction of lawes, Religion, and subjects, is a power contrary to law, evil and tyrannical, and tyeth no man to subjection; wickednesse by no imaginable reason, can oblige any man. Obligation to suffer of wicked men, falleth under no commandement of God, except in our Saviour. A Passion as such, is not formally commanded, I meane a physical passion, such as is to be killed. God hath not said to me in any moral law, be thou killed, tortured, beheaded, but only be thou patient if God deliver thee to wicked mens hands to suffer these things.*]

3: (Ibid) [*There is not a stricker obligation moral, betwixt King and People, then betwixt parents and Children, Master and Servant, Patron and Clyant, Husband and Wife, The Lord and the Vassal, between the pilote of a ship, and the passengers, the Physitian and the Sick, the doctor and the Schollars: But law granterh, l. minime 35. De Relig. & sumpt. funer. If those betray their trust committed to them, they may be resisted. If the Father turne distracted and arise to kill his Sones, his Sones may violently apprehend him, bind his hands, spoile him of his weapons, for in that, he is not a father Vassq. lib. 1. illustr. quest. Cap. 8, n. 18. Si dominus subdi-*  
tum

tum, enormiter & atrociter oneraret; princeps superior vasallum posset ex toto eximere a sua jurisdictione, & etiam tacente subdito & nihil petente. Quid papa in suis decis: parlam. grat. decis. 32. Si quis Baro. abutentes dominio privari possunt. *The Servant may resist the Master, if he attempt unjustly to kill him; So may the wife do to the Husband: If the pilot should wilfully run the ship on a rock to destroy himself, and his passengers, they might violently thrust him from the helmie. Every Tyrant is a furious Man, and is morally distracted, as althuf. sayeth, politic. cap. 28. n. 30. & seqq.*

4. Pag. 262. „ That which is given as a blessing and a „ favour and a scrine betwixt the Peoples Liberty, and their „ bondage, cannot be given of God as a bondage and slavery „ to the People. But the Power of a King is given as a „ blessing & favour of God to defend the poor & needy, to „ preserve both tables of the law, and to keep the People „ in their libertyes, from oppressing and treading on upon „ another. But so it is, that if such a power be given of „ God to a King, by which *actu primo* he is invested of God „ to do acts of Tyranny, and so to do them, that to resist „ him in the most innocent way, which is self defence, must „ be resisting of God, and rebellion against the King his de- „ puty; Then hath God given a royal power, as incontrollable by mortal men by any violence, as if God himself, „ were immediatly and personally resisted, when the King „ is resisted, and so this power shall be a power to waste „ and destroy irresistably, and so in it self a plague and curse; „ for it cannot be ordained, both according to the intention and genuine formal effect and intrinsecal operation of „ the power, to preserve the tables of the Law, Religion „ and Liberty, Subject and lawes; and also to destroy the „ same. But it is taught by *Royalists*, That this power is „ for Tyranny, as wel as for peacable government, because to resist this royal power put forth in acts either of „ Tyranny or just government, is to resist the ordinance of „ God, as *Royalists* say, from *Rom. 13: 1, 2, 3.* We know to „ resist God's Ordinance and Gods deputy *formaliter* as his deputy, is to resist God himself 2 *Sam. 8: ver. 7.* *Mat. 10: ver. 40.* as if God were doing personally these acts that  
the



„ the King is doing ; and it importeth as much as the King of  
 „ Kings doth these acts , in and through the Tyrant. Now it  
 „ is blasphemy to think or say, That when a King is drinking  
 „ the blood of innocents , and vvaſting the *Church of God* ,  
 „ That *God* if he vv ere personally preſent , vvould commit  
 „ the ſame acts of Tyranny ( *God avert ſuch blaſphemy* )  
 „ and that *God* in and through the King his lawfull deputy  
 „ and vicegerent , in theſe acts of Tyranny , is waſting  
 „ the poor *Church of God*. If it be ſaid , in theſe ſinfull acts of  
 „ tyranny, he is not *God's formal vicegerent* , but only in good  
 „ and lawful acts of Government , yet he is not to be reſiſted  
 „ in theſe acts, not becauſe the acts are juſt and good , but  
 „ becauſe of the dignity of his royal perſone. Yet this muſt  
 „ prove that theſe who reſiſt the King in theſe acts of Tyranny,  
 „ muſt reſiſt no ordinance of *God* , but only that we reſiſt  
 „ him who is the Lord's deputy. What abſurdity is there  
 „ in that, more then to diſobey him, reſuſeing active obedience  
 „ to him who is the Lord's deputy, but not as the Lord's de-  
 „ puty , but as a man commanding beſide his Maſter's war-  
 „ rand ?

5. ( *Pag. 263.* ) „ That which is inconſiſtent with the  
 „ care and providence of *God* in giving a King to his Church,  
 „ is not to be taught. Now *God's* end in giving a King to  
 „ his Church, is the feeding , ſafty , preſervation , the  
 „ peaceable and quyet life of his *Church* , 1 *Tim.* 2: 2. *Eſai.* 49:  
 „ ver. 23. *Pſal.* 79: 7. But *God* ſhould croſſe his owne end in  
 „ the ſame act of giving a *King* , if he ſhould provide a *King* ,  
 „ who by office were to ſuppreſſe Robbers , Murtherers , and  
 „ all oppreſſours and waſters in his holy mount , and yet  
 „ ſhould give an irreſiſtible power to one crowned *Lyon* a *King*  
 „ who may kill a Thouſand Thouſand proteſtants for their  
 „ religion, in an ordinary providence , and they are by an or-  
 „ dinary law of *God* to give their throats to his Emiſſaries ,  
 „ and bloody executioners. If any ſay , the King will not be  
 „ ſo cruel. I beleeeve it, becauſe, *actu ſecundo* it is not poſſible  
 „ in his power to be ſo cruel ; we owe thanks to his good will  
 „ that he killeth not ſo many , but no thanks to the genuine  
 „ intrinſecal end of a King , who hath power from *God* to  
 „ kill

kill all these, and that without resistance made by any Mortal man: Yea no thanks (God avert blasphemy) to God's ordinary providence, which (if *Royalists* may be beleeved) putteth no bar upon the illimited power of a Man inclined to sin, and abuse his power to so much cruelty. Some may say, the same absurdity doth follow if the King should turne papist, and the Parliament and all were papists, in that case, there might be so many *Martyres* for the truth put to death, and God should put no bar of providence upon this power, more then now; and yet in that case, King and Parliament should be judges given of God *actu primo*, and by vertue of their office obliged to preservethe people *in peace and godlinesse*. But I answer. If God gave a lawful official power to King and *Parliament* to work the same cruelty upon Millions of *Martyrs*, and it should be unlawful for them to defend themselves, I should then think that *King & Parliament* were both *ex officio and actu primo* judges and Fathers, and also by that same office, *Murderers* and *butchers*, which were a grievous aspersion to the unspotted providence of God.

6. (*Pag. 331.*) Particular nature yeelds to the good of universal nature; for which cause heavy bodyes ascend, aery and light bodyes descend: If then a wild bull or a goaring Oxe may not be let loose in a great market confluence of people; and if any man turne so distracted, as he smite himself with stones, and kill all that passe by him, or come at him; in that case the man is to be bound and his hands fettered, and all whom he invadeth may resist him, were they his owne sones, and may save their owne lives with weapons. Much more a King turning a Nero, King *Saul* vexed with an evil spirit from the Lord, may be resisted: and far more if a King endued with use of reason, shall put violent hands on all his subjects, kill his sone and heire: yea, any violently invaded, by natures law, may defend themselves; & the violent restraining of such an one is but the hurting of one Man, who cannot be virtually the Commonwealth, but his destroying of the community  
., of

„ of men, sent out in warres as his bloody Emissaries, to the  
 „ dissolution of the Commonwealth.

7. (*Pag.* 335.) By the law of Nature, a Ruler is ap-  
 „ poynted to defend the innocent: Now by Nature, an in-  
 „ fant in the womb defendeth it self first, before the pa-  
 „ rents can defend it; Then when parents and Magistrates  
 „ are not (and violent invading Magistrates are not, in that,  
 „ Magistrates) Nature hath commended every man to self  
 „ defence.

8. (*Ibid*) „ The law of nature excepteth no violence, whe-  
 „ ther inflicted by a Magistrate or any other; unjust violence  
 „ from a Ruler is thrice injustice 1. He doth injustice as a  
 „ man, 2. As a member of the Commonwealth. 3. He  
 „ committeth a special kinde of sin of injustice against his  
 „ office. But it is absurd to say we may lawfully defend our  
 „ selves from smaller injuries, by the law of Nature, and not  
 „ from greater, &c.

These and many moe, to this purpose, may be seen in that  
 unansyverable piece: But I proceed to adde some moe  
 here.

9. If it be lawfull for the people, to rise in armes to defend  
 themselves, their Wives and Children, & their Religion,  
 from an invadeing army of cut throat *Papists, Turks or Tartars*,  
 though the Magistrates Superiour and inferiour, should  
 either, through absence, or some other physical impediment,  
 not be in a present capacity to give an expresse warrand or  
 command, or through wickednesse, for their owne privat  
 ends, should refuse to concurre, and should discharge the  
 people to rise in armes: Then it cannot be unlawful to rise  
 in armes and defend their owne Lives, and the lives of their  
 Posterity, and their Religion; when Magistrates, who are  
 appoynted of God to defend, turn enemies themselves, and  
 oppresse, plunder, and abuse the innocent, and overturne  
 Religion, & presse people to a sinful compliance there with.  
 But the former is true. Therefore &c. The assumption is  
 cleare: Because all the power of Magistrates, which  
 they have of God, is cumulative, and not privative and destru-  
 ctive, it is a power to promove the good of the Realme, and  
 not



ot a power to destroy the same, whether by acting and going beyond their power, or by refusing to act and betraying their trust. 2. No power given to Magistrates, can take away Nature's *birth right*, or that innate power of self defence. 3. It can fare no worse with people in this case, then if they had no Magistrates at all; but if they had no Magistrates at all, they might lawfully see to their owne self defence. 3. The power given to Magistrates can not loose the obligation of people unto God's moral law; but by the moral law they are bound, in this case of imminent danger, to defend themselves, their Wives and Children, and their Religion: these are acts of charity, which Magistrates cannot loose them from; otherwise Magistrates might command us to kill the innocent, the widow and the fatherlesse, and we might lawfully do it at their command; which is most false and absurde: therefore neither can their expresse prohibition hinder us from relieving such, whom we are bound to relieve, nor exeem us from the guilt of Murther, before God, if we do it not, but obey their prohibition. The connexion of the proposition I cleare thus. 1. The law of self defence is no lesse valide in the one case, then in the other. 2. The law of charity obligeth in the one case, no lesse then in the other. 3. Magistrates are no more appoynted of God to destroy the people themselves, then to suffer others to destroy them; and so the resisting of their violence in the one case, is no more a resisting of the ordinance of God, then the resisting or counter-acting of their prohibition, or silence, in the other case. 4. Magistrates are no lesse to be accounted, in so far, no Magistrates, when they counter-act their commission, then when they sinfully betray their trust, and neglect their commission. 5. Unjust violence offered in Lives, Liberties and Religion, is no lesse unjust violence, when offered by Magistrats themselves, then when offered by strangers, Magistrates permitting or conniving.

10. If it be lawfull for private Subjects to joyne together in armes, and defend Themselves, their Lands, Liberties, Wives, Children; Goods, and Religion, against a forraigne

Enemie, invading the land to conquer and subdue the same, with the Magistrates approbation, or expresse warrand. Then it is also lawful to resist domestick Enemies animated by the same power and authority. But the former is true, because Magistrates, in that case, do professe and avow themselves tyrants, seeking the destruction of the whole Realme: and therefore are not Magistrates. Therefore &c. The consequence is cleared abundantly in the preceeding argument, and cannot be denyed: for, a domestick enemy is more unnatural, unjust, inhumane; illegal, hurtful and dangerous, then a forraigne enemy.

11. Such acts of unjust violence, which neither Magistrates themselves may immediatly commit, nor may any subject under them, without sin and disobedience to God, execute, may lawfully be resisted by private persones, when committed in a rage, or cruelly executed by inferiours. But such are acts of oppressing, plundering, spoyling Subjects of their libertyes, because of their adhering to their sworne Covenanted Religion. Therefore &c. That Princes and Magistrates may not oppresse, and wronge the People, is clear *1 Sam.* 12: 3, 4, 5. *2 Sam.* 23: 3. *1 King.* Cap. 21. and 22. *2 Chron.* 9: 8. *Psal.* 105: 14, 15. *Esa.* 1: 23. and 3: 12, 13, 14, 15. and 14: 15, 16, 23. and 9: 7. and 16: 5. and 32: 1, 2. and 49: 23. *Ier.* 22: 3, 10, 32. *Zeph.* 2: 8. and 3: 3. *Micah.* 3: 1. 10, 12. *Obad.* v. 2, 10, 17. *Ezech.* 22: 6, 7, 27. and 45: 8, 9. It is contrare to their expresse commission *Rom.* 13: 4, 5. That their unjust mandats for oppression and using of violence, are not to be obeyed, is no lesse cleare from *Exod.* 1: 15, 16, 17, 18, 19, 20. *1 Sam.* 22: 17, 18. *Psal.* 52: 5. So likewise it cannot but be cleare, That it must also be lawful to resist that violence when wickedly and unjustly acted and executed: For, what power Magistrates can not themselves put into execution, is not of God nor ordained of God; and therefore the resisting of that, cannot be the resisting of any power ordained of God: And againe, what power subjects cannot lawfully put into execution can be no lawful Magistratical power appoynted of God: For, if it were, a refuseing to put the same into execution were a real resisting of the ordinance

linance of God: And so a resisting of this, when wickedly put into execution, is no resisting of the ordinance of God, which causeth damnation.

12. That it is just and lawful to flee from the violence of Magistrates will not be denied. But if that be lawful, when subjects have no power or meanes whereby to resist, or oppose unjust violence with violence, It cannot be simply unlawful to resist the same unjust violence with force, vvhhen neither flying, nor hideing, nor other such like meanes of safety are practicable: Because it is the principle of self defence against violence, that makes flight lawful, vvhhen there is no possibility of resistance; and the same principle of self defence will make resistance lawful, when the other is not practicable. Againe, the principle of charity to their Wives and Children and other Relations, makes flight lawful, when they can not otherwise avoide the unjust violence of Tyrants; and the same principle will animate to resistance, when practicable, & when they cannot flee with wives and children and old decrepitate parents &c. Thirdly, the same principle of conscience, viz. that they may keep their Religion and Conscience free and undefiled, which will prompt to a flight, when there is no other remedy, will prompt also to resistance, when flight is not practicable. I remember, The Surveyer Pag. 41. calleth this [*a monster of a stoical paradox which the paire of pseudo-martyres brought forth; whereas flight is only a withdrawing from under his dominion, and putting ones self under another dominion where his power reaches not: and so by flight and withdrawing from the Kingdomes, the man ceaseth to be a subject to him, whose subject he was, and comes to be under other Lords and Lawes.*] Answ. This must be a monster of men, whose eyes must be of a magnifying glasse of a paradoxical quality; and he must have a strange stoical phancy, who imagineth that such a thing is a paradox, and a stoical paradox, and a monster of a stoical paradox: what could his stoical braine have said more paradoxically? Flight and non-obedience both are a resisting of the abused power; and if the cause be just which is pressed by the Magistrate, flight on that account, & non-obedience, is a resistance of the powers ordained of



God, condemned *Rom.* 13. for such an one is *δ ἀνὴρ τὰς ὁμῶν* he is out of due order. But. 2. As we have seen, the consequence will hold, and we seek no more; we need not make it a resistance equal with forcible resistance. 3. He speaketh of a flight out of the King's dominions, but what sayes he to a flight, when the persones flying keep still within the dominions? Will he grant that this is liker unto a resistance? And he must, if his reasons hold; for in this case, the man ceaseth not to be a subject nor cometh he to be under another Lord: and if he grant this, our argument will stand as firme as ever. 4. The man, for all the money he hath gotten from his majesty for his paines, or paine, is not afrayed to rub, by what he sayes here, upon his sacred Majesty and his Royal Council; for, if persons withdrawne and out of the Kingdom, cease to be subjects to the King, How could the King and council summon home the Scottish officers who served under the *States* of the *Netherlands*, and were servants to them, and under their pay, and had been in their bounds, all most all their dayes, yea some of them were borne under the States; and yet for not comeing to the Kings dominions upon his call and charge, they were denounced rebels & fore faulted, and stand under that sentence to this day, for any thing I know; which, though I account the most unjust, inhumane, barbarous & irrational act, that can be, so that it may well be reckoned, among the *Surveyer's* monsters of stoical paradoxes; yet I think tenderesse to his Majesties honour and credite, should have made him spare to have set downe this parenthesis: But, some men, it seemes, have liberty to say what they can or will, if it may help the desperate cause, though it should reflect upon King and Council both. Let a friend goe with a foe.

13. It was not to Parliaments or inferiour Magistrates, that Christ said, a little before he was to be apprehended, *Luk.* 22: 36, 38. *But now - he that hath no sword, let him sell his garment, and buy one ——— and they say Lord here are two swords, and he said unto them, it is enough.* Here is enough to evince the lawfulness of resisting with force unjust oppressours; for if Christ had thought it simply unlawful, why would he have desired

desired his naked private disciples, to buy swords, which are weapons for forcible resistance and defence, and that at such a time? It is true, he would not suffer them to make use of them as they would, not because it was simply unlawful for them to rescue him out of the hands of that band of robbers; for he useth no such argument to dissuade them: but because, he was commanded of the father, to yeeld and to lay downe his life, of his owne accord; and therefore was it also that he would not use the help of angells, as he might have done, in his owne defence; therefore said he *Ioh. 18: ver. 10, 11.* *put up thy sword into the sheath, the cup which my father hath given me shall I not drink?* (& Mathew addeth *Cap. 26: 52, 53.*) *thinkest thou that I cannot pray to my father, and he shall presently give me, more then twelue legions of angells.* God had revealed his will, that Christ behoved to suffer *Mat. 16: ver. 21, 22, 23.* *Ioh. 20: 24.* and that was sufficient to restraine this act of self preservation *hic & nunc*: which was otherwise lawful; as well as it did restraine from flight, a mean which Christ at other times used, for his preservation: Neither did his word to Peter import that this self defence was unlawful; but the reasones of it were (as *River* sayes in *decal. 6. præc.*) [1. *Because it had a kinde of revenge in it; for so few could not repel such an army as came to take Christ.* 2. *He waited not Christ's answer.* 3. *He could have defended himself another way.* 4. *It was contrarie to God's will revealed to Peter.*]

14. That doctrine cannot be of God, which to the eye of sound reason, & to all rational persones, doth remedylessly & unavoydably, tend to overthrow and destroy polities, all order, and all humane society, and open a gap and wide door to all confusion, disorder, tyranny, oppression, cruelty, and injustice. Our *Surveyer* cannot deny this proposition; scing he maketh use if it, or of one very like unto it *Pag. 43.* But to say that a poor oppressed people may not defend themselves, in extreame necessity, against the oppression and tyranny of Magistrates, and resist unjust violence with violence, is to all rational persones a remedyless and unavoydable course laid downe, for utter overturning of all Society,

is an opening of a door to all confusion, disorder, tyranny, oppression, Murthers, cruelty, injustice, &c. for when Magistrates turne Tyrants, oppressours, set themselves to seek the ruine and destruction of their Kingdomes, and of all their Subjects, in bodyes, goods, and Consciences, and sell themselves to do such villany and wickednesse, there is no remedy, by this doctrine; the Commonwealth is utterly gone; oppression and Murthers are increased; all is overthrowne and overturned; and there is no help. Thus God shall have given a power to one man to kill and massacre millions of Christians, to destroy whole Commonwealthes, and to root them out, and all their memorial, that no more mention should be made of them. But who can beleeve this? Yea if this were received as a truth, what encouragement were it to tyranny and oppression? And what mischief would not wicked hearts contrive and execute, if they did not feare opposition and resistance? This *Surveyer* tells us *Pag.* 103. That it is enough to keep Kings right, to tell them they must answer to God, But we see that for all this, there are more evil and wicked Kings, then good; and it is more then probable, that that alone would no more suppress their tyranny, and keep them from wickednesse, then the fear of the gallows would keep theeves from stealing and robbing; if they knew that no body would resist them, or oppose them with force, when they came to steal and rob.

15. By this doctrine, People should be in the most miserable condition imaginable when under governours; for not only should they be lyable to all the oppressions of Magistrates tyrannizing over them, and have their hands bound up, so that they could not helpe themselves; but also unto the oppression and tyranny of every one who could but say, he had a commission from his Majesty to kill and murder all whom he pleased: For they might not resist whether he had a real commission or not, lest they should resist the ordinance of God, in resisting a servant sent of the King to execute his lust and cruelty, with expresse warrand and commission: & thus there would be as many irresistible tyrants, armed



armed with absolute and irresistible power, as one Tyrant will; and the people might no more use violent resistance against them, then against him. A doctrine, I am sure, poynt blanck contrary to all reason and equity.

16. If forraigne princes may lawfully help a poor people oppressed by their owne Sovereigne: Then people may lawfully, if they be able, hold in the paines of these forraigne princes, and defend themselves. But the former is granted by casuists and politicians. Therefore &c. The consequence cannot be denyed: for forraigners have no more power or authority over another soveraigne, then the people have themselves: and what justice, or equity of the cause could warrand them to come to their reliefe and succoure, the same will warrand the persones injured to help themselves, if they be able.

17. As the law of Nature will allow this self defence even to private persons, in cases of necessity, So will the law of Nations, and the Civil law; for it maketh no distinction betwixt self defence used by private persons alone, and that which is used by private persons having their Representatives concurring: And where the law distinguisheth not, we should not distinguish. As all law permits to repel violence with violence; so doth it give this allowance to all persons whatsoever *l. Liberam C. quando liceat unicuique sine iudic.*

18. To maintaine, that in no case it were lawful for Private subjects, to resist the unjust violence, and to defend themselves from the tyranny of Princes, would be a direct condemning of our owne Princes *K. James*, and *K. Charles*, who helped the private Subjects of other Princes against them: and is it not unreasonable to plead for more absolute subjection, then princes themselves will plead for: Or to condemn that resistance which even they will approve of, countenance and encourage to?

16. If it were not lawful for private persons to defend themselves against the manifest tyranny of a Sovereigne, without the concurrence or conduct of a Parliament, or their Representative: Then the condition of such as live

under such a government where there are *Ephori*, or where there is a Representative constituted, should be worse, than is the condition of these, who want such Representatives. But that were absurd. Therefore &c. The consequence of the *Major* is hence cleared: Because, all the arguments which have been adduced by any, for proving the lawfulness of resistance in cases of necessity, will evince that a people, who have no formal Representative, may resist the tyranny of their Prince: But now if this were not allowed unto a People having Representatives, their case should certainly be worse: Because their hands should be bound up from that necessary defence, which otherwise they might have used *viz* when Representatives should betray their trust, and comply with a tyrannous Prince against the people. The *Minor* is most certain, because Parliaments or Representatives have been instituted for the good & advantage of the people: And therefore should not prove hurtful and destructive, otherwise they cease to be a benefite and a blessing. A benefite should not prove onerous, sayeth the law, *si filius ff. ut legator nom. caveatur.*

20. If it be lawful for private persons to resist the Tyranny of Parliaments, and other inferiour Magistrates: Then it cannot be unlawful for them to resist the Tyranny of others, without their concurrence and conduct. But the former is true, as all the arguments used by divines and politicians to prove resistance, will evince; and as several of our adversaries will very readily grant, though they will stily maintain, that no resistance is to be used against the Sovereigne. Therefore &c. The connexion is hence cleare, That to whom the greater is lawful, the lesse is also lawful: Now it is a greater matter to resist a Parliament, then to wave them, and misken them, or to resist others without their help; as all may see and will easily grant. There is not a more expresse command for Subjects to do nothing without the concurrence of a Parliament, then not to resist them and oppose them: Nor are people more obliged to the one, then to the other.

21. Privat persons without the concurrence of Parliaments

ments, may resist and oppose the Prince, yea and binde his hands, when in a fit of frenzie, or of a distempered braine and madnesse, he would seek to cut his owne throat, or with *Saul* would run upon his sword. Therefore they may also resist and oppose him, when in madnesse and fury, he would not only endanger his owne life in soul and body, but would destroy the inheritance of the Lord, and cut off his faithful and innocent subjects, and destroy the land. The connexion is cleare: Because more respect is to be had unto the life of Thousands, then to the life of one Man. The antecedent is certane, because otherwise they should be guilty before the Lord, of his death, if they would not hinder it, when it was in the povver of their hands; for he vvho hindereth not a mischief vvhen he may, he vvilleth it, and so is formally guilty before God

22. Privat persons, vvithout the concurrence of inferiour Magistrates, may resist the Sovereigne, vvhen in a rage he runeth upon an innocent man passing by, and with *Saul*, vvhen in evil spirit from the Lord came upon him, vvould cast his avelin or deadly instrument at the innocent *Dauids*. This to rational person vvill deny, vvho knowveth vvhat a hazard it is to partake of other men's sinnes: Love to the Prince should presse to this preserving of him from shedding innocent blood; and vvho doth not this vvhen he may, consenteth to that murther. Therefore they may also, no lesse, yea much more, resist him, vvhen in his madnesse and distemper, he is seeking to destroy millions of the people of God: And gaine, much more may vve resist him, vvhen he is seeking to destroy ourselves, vve being much more bound to love and defend ourselves, then to love and defend others.

23. If it be lawfull for private subjects, vvithout the Com-mande or allowance of Parliaments or their Representatives, to resist a Tyrant, or the Tyranny of a Prince, vvith teares and prayers: Then also, in cases of necessity, it shall be lawfull for them to resist his vviolet Tyranny and tyrannical violence, vvith violence. But the former is true. Therefore, &c. The minor is cleare: For Royalists themselves vvill grant that *præces* and *lachrymæ* may be opposed to Tyranny;



ny; Thus did the ancient Christians resist their tyrannical Emperours with earnest cries and prayers to God, especially *Julian* the Apostate, whom they ordinarily stiled *Idolianus*, *Pislaus*, *Adonius*, *Tauricremus*, *alter Hieroboam*, *Achab*, *Pharaoh*, &c. And we are allowed to pray against the Enemies of Christs Kingdome, against the *Turk*, the *Pope* that great Antichrist, and all the little Antichrists that make warre against the Lord and his interest. Therefore we may also resist a Prince Tyrannically oppressing the People of God, destroying the mountaine of the Lord, making havock of his Church, when we are in probable capacity for that work. The reason is because, the one is no more condemned in Scripture then the other. 2. The one is no more a sinful resisting of the Ordinance of God, then is the other. 3. Adversaries themselves will grant that resistance by prayers and tears is more powerful and effectual, then the other. 4. This personal resistance is as consistent with that command, *let every soul be subject to higher powers*, as the other is with that *1 Tim. 2: ver. 1, 2. I exhort that supplications, prayers and intercessions be made for Kings, and for all in authority*. 5. If the Prince be good, the one is as unlawful as the other, and a sinful resistance of the ordinance of God, no lesse then the other: Therefore when he becometh a Tyger, a Lyon, a waster of the inheritance of the Lord, an Apostate, as I may not pray for him, except conditionally, but against him: as an enemy of Christs; so I may also lawfully resist him with violence. 6. It is cleare from other persons or things against whom or which, I may lawfully pray, as inward or outward Enemies, forraigne or domestick, be they inferiour or superiour, against these I may use resistance, in my owne sinlesse defence. 7. The lawes of the land make the one treasonable as vvel as the other, and that deservedly, vwhen the Prince is doing his duty: but vwhen he turneth Tyrant, neither can justly be condemned. 8. We have seen the one practiced in Scripture and other Histories, as vvell as the other.

24. If it be lawfull for meer privat persons to refuse obedience unto the unjust and iniquous commands of Princes: Then

Then it is also lawfull for them to resist the unjust and illegal Tyranny of such. But the former is undenyable. Therefore so is the latter. The connexion is cleare. For 1. Subjection is no more expressly pressed in Scripture, then is obedience, to Superiours: Therefore if notwithstanding of this command, non-obedience be allowed yea and necessary, why not also non-subjection or resistance? 2. The law of God doth not presse this as more absolute and unlimited, then the other. 3. Non-obedience to the power commanding unjust things is a resisting of the ordinance of God, as well as non-subjection thereunto: if notwithstanding hereof non-obedience to unjust commands be allowed, why also shall not non-subjection to tyranny be allowed? 4. The one doth no more derogate from the lawful authority of the Sovereigne, then the other. 5. The one is no more a wronging of the Minister of God as such, then the other; because he is no more the Minister and vicegerent of God in acts of Tyranny, then in commanding unjust things. And therefore 5. such as resist unjust violence, can no more procure to themselves damnation, then such as disobey unjust commands.

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### C A P. XIII.

#### The Surveyer's grounds taken from Scripture, for absolute Submission to Suffering, examined.

**H**AVING thus proved the lawfulness of private persones resisting, in cases of necessity, the unjust violence of superiour powers, by many arguments; and having vindicated the same from what this *Surveyer* had to say against them, We come now to examine his grounds for the contrary assertion. Out of Scripture he adduceth Three grounds *Ag. 28. &c.*

The first is taken from the duty of Children toward Parents unjustly afflicting them *Heb. 12: ver. 9, 10.* where, their reverend

reverend subjection under unreasonable and unjust dealing is commended: and from the duty of Servants to suffer at the hands of unjust and froward Masters *1 Pet. 2: 18, 19, 20.* To which we answered,

1. That these examples are so far from making against us: that they fully confirme our poynt, as we have shewed above: For, notwithstanding of what is said in these places, he cannot deny, but Parents may be resisted by their Children, in several cases, and Masters by their Servants. It would be strange, if he should presse this subjection so close home, that now no Servant might lawfully resist and withstand the fury of his Master; nor no Childe might hold his furious Father's hands, and defend himself against his unjust acts of cruelty. And *Althafius Pol. c. 38. n. 88, 89.* tels us that in several cases, the father loseth the right of his fatherly power over Children; & masters their masterly power, from the law *Tit. Inst. quib. mod. jus Pat. Pot. amit. §. Domin. Inst. de his qui sunt sui vel alieni juris l. 5. §. si vel Pat. de agnat. vel alend. lib. L. nec filium Cap. de Parr. potest. L. 2. L. 3. Cap. de Inf. expos. Novel 115. Cap. 3.*

2. If these similitudes be hardly pressed, it shall not now be lawful for Subjects to resist so much as by flying; for the reverence and subjection required of Children unto their parents, will not suffer that to evite every smal injurie from their parents, they should run away from under their power and subjection; nor might servants in those dayes run away from their Masters, who had another dominion over them, then Masters now have over their Servants, who are free to goe off when they will; himself acknowledgeth this *Pag. 31.*

3. We have shewed above what a vast difference there is, betwixt the power of Parents over their Children; and the power of Magistrates over their Subjects: And he himself doth confesse there is a difference; yet sayes he, *Pag. 29. There is a full parity and agreement in this, that in the inflicting of evils upon these who are under them (such as are competent to them to inflict within their sphere) a patient reverent subjection is due from their inferiours, even when they abuse their power.* *Ans.* This is the question, if the parity hold even here in all poynts; for

seeing



eing these Relations are different one from another, even in their nature and ground, it is but rational to think, that here must also be some difference betwixt them, as to the consequent or result that floweth from that relation, else it would follow that as Children are so Subject, as that they can never but be subject, to their Parents; so Subjects could never be free of their Superiours; and yet himself tells us, that they may, by going under another government, or removing to other dominions. 2. Who, shall be judge, whether the Superiour keepeth within his sphære, yea or not? If the Superiour, then there is no remedy at all; for when he doth most exceed his bounds, he may judge that he keepeth within bounds, and so whether he keep within his sphære or not, there must no resistance be used, but a stupide subjection. 3. Whether may the Superiour be resisted by the inferiour, when he doth what is not incumbent to him to do within his sphære, or not? If he may not, then why is this parenthesis added, As a restriction or limitation of the Subjection required? If he may be resisted when he really goeth without his sphære, then this makes for us; for he must grant that the Magistrate doth not prescribe the limites of his owne povver, but God and nature, and the constitution of the Realme. Now God hath never put it in the povver of Princes to presse their subjects to perjury, or to a compliance with a sinful abominable and abjured course; so that vvhén he doth thus, he goeth beyond his sphære: His sphære is to rule for God and the good of the land, and not to destroy the interest of Christ, and the Commongood: and if he may be resisted, vvhén he goeth beyond this sphære, then vve have all vve aske. It vvas never vvitin his sphære, to break his compact vwith his People: and vvhén he doth so, he is vwithout his sphære and may be resisted, and this is also for us. Againe he tells us in the 2 place. *That though Kings are not fathers by generation; yet as Kings and Magistrats should have fatherly hearts to their subjects, (they being a sort of official fathers to them, to procure their good, and defend them from evil) so subjects ought to have such hearts to their King, as Children have to their fathers, giving them special reverence, subjection and obedience, from their very soul and*

*inward affection.* ] *Ans.* All this sayes that as Kings are metaphorical Fathers, so Subjects, are metaphorical Children. But as it doth not say, that Kings should become Tyrants, & not carry fatherly affection towards their Subjects, so it doth not say, that Subjects may not resist their tyrannical rage and fury, vvherein they acte not as fathers, but as Tyrers. 2. It is true, special reverence subjection & obedience is due to Magistrats, but alvvayes in the Lord; The relation is mutual, if they carry not as official fathers seeking the good of the subjects and defending them, but as devouring Lyons seeking the destruction of their Subjects both in soul and body, they cannot expect, according to vvhat he sayeth, that hearty subjection and obedience, vvwhich othervvise they might have. 3. Being but official fathers appoynted by the subjects, and set over them by their vvill and consent, they must have lesse povver to vvronge the Subjects, then Parents have to vvronge their Children, vvho have not that relation by vertue of any formal compact with, or consent of their Children. So that when they do injuries, Subjects are in a greater capacity to help themselves, then Children are, vvhen their Parents do injure them. He addeth [*Although some times they are not such as they ought to be, yet they ought to account their persons (sealed with Gods ordinance, and the image of of his Sovereignty) sacred and inviolable, resolving to suffer any thing of them rather then be guilty of parricide (although under the colour of self defence) Gods law in the fift command hath injoynd reverence & subjection to Princes under the title of Parents* *Calv. Instit. Lib. 4. Cap. 8. Ec.*] *Ans.* We are not speaking of doing violence unto the persones of Sovereignes, or of committing parricide, but only of the matter of resistance, and of natural sinlesse selfe defence, vvwhich is far different from Killing of Kings: If he think the one of the same nature vvith the other, he vvrongeth the King's life, more then he is avvare of. Though Children as Children may not Kill their parents, yet they may defend themselves from their unjust violence. 2. We grant Kings are comprehended in the fift commandment under the title of parents, as *Calvin* doth; and not only Kings, but all Superiours: & yet he will not say, I suppose, that

we are not to resist the unjust violence of any superiour, but that they are all so sacred and inviolable, as that in all things, they must be subjected unto, without the least resistance: and therefore what he addeth is not to the poynt.

4. We have shewed above, that there is a vaste disparity betwixt Masters and Kings, in reference to their slaves and subjects; He himself acknowledgeth this, *Pag. 31.* [Yet (sayes he) though there be these differences betwixt the dominative or masterly, and the Royal or Magistratical power, the inferiours subjection in suffering (even wrongfully, if God permit in his providence the power to be abused) is no lesse under the one power, then under the other, by vertue of Divine Law. Subjects serve the Sovereigne, (though they be not slaves:) and not only conquered people are called Servants, 2 Sam. 8: v. 14. but also ordinary subjects, 2 Sam. 11: v. 24. 1 King. 12: v. 4. ——— Though he also be in a sense their servant (not in relation of an inferiour to a superiour, for so the Magistrate is only the Minister of God for the Peoples good, and never called their Minister) but in relation of the meanes to the end ——— as Angels are ministring spirits for the heires of salvation, and Ministers are Servants to the People, &c.] *Ans.* That the subjection is alike in both these relations, can with no colour of reason be asserted; for it is absurd to say, that Subjects who set up the Magistrate, who limite his power, who binde him by Covenants, and designe their owne good in setting him up, & do it in a voluntary way, are the same way subject to their Princes; as slaves, who are as other goods for the profite of the Master, & are, both in bodyes & goods, otherwise subject unto their Masters, and that in a manner against their will, either being sold, or redeeming their life in war, by giving themselves up as slaves. 2. As there are various Kindes of Superiours, so the relation varyeth, and is more or lesse close and efficacious, and the subjection must accordingly vary: I am not alike subjected to every one that is over me, as I am subjected to my Sovereigne; nor am I so subjected to him, as to my natural parents, or as a wife is to her husband. 3. Though the Subjects in some sense call themselves servants to the sovereigne, (which yet is often a tearme of civil respect; for *Naaman* called himself *Elisha's* servant 2 King. 5: 15. and *Obadiah* said the like to *Elijah* 1 King.



1 *King. 18; 9.*) yet if they be not slaves; they must have more allowance then slaves have, and so have more power to resist unjust violence then they had. 4. If the Magistrate be the peoples servant in relation of the meanes to the end; then the relation betwixt him and his Subjects, is not such a relation as is betwixt Parents and Children, or betwixt Masters and Slaves; for the end of these relations, is not the good of Children and slaves: And next, Subjects must have more power allowed them to see to the end, which is their owne good, and to see that the meanes prove not destructive of the end: and if the meanes prove no meanes, the relation falleth, and he is no more a servant seeking their good, but a Tyrant seeking his owne. 5. It is sooner said then proved, that the People who set up the King are not superiour to the King: He should have answered *Lex Rex* as to this: but it is like, he thinketh that his saying thus, is more firme and irrefragable, then *Lex Rex* reasonings to the contrary: But I know not who will think so with him. 6. There is a great difference betwixt Angels serving the saints, or rather serving God that way; and the King serving his People: The saints have no hand in setting up angels to protect them, as People have in setting up Magistrates. 7. If they be servants as ministers are, then, though in regard of their official power they should not be subject to the People, yet they may be resisted, as was shewed above: and this is all we presse for.

5, There is a great difference betwixt suffering of Buffettings, and correction, and such like petty, private, personal injuries, at the hands of Parents or Masters; and the suffering of losse of Liberties, Life, Lands, Religion, and such like, which tend to the ruine of the Commonwealth. To this our Surveyer replyeth two things *Pag. 32. as, 1.* [*The grounds that such men goe upon for private persones violent resisting the Magistrate (viz. the abuse of his power) if they hold good, will as effectually evince a non-subjection & violent resistance to Parents and Masters in abusing their power.*] *Answ.* We say not that the Magistrate's abuse of his power is the only ground of resistance; this should have been shewed, and not said barely, as it is here: But when

When other things give ground of resistance, yea and a call thereunto, it is enough for us to say, that we resist not the power, but the abuse of the power. 2. Though we walked upon no other ground (which is false, as is cleare from what is said) yet his consequence would be null, unlesse he should affirme, which yet he dar not, That the Magistrate is under no other obligation to his Subjects, then Parents are to their Children, and Masters to their Slaves. But what sayes he? 2. *[as death is not, so no punishment unjustly inflicted is eligible, where lawfully it can be warded off. But this is the state of the question, if private persons may lawfully violence the Magistrate abusing his power: if in greater evils unjustly inflicted, there is alwayes a liberty for inferiours violently to re-offend the powers above them? why not in lesse evils too? These gradual differences of inflicted evils cannot make such variation, in the poyn of duty, seeing the grounds hold equally strong; if a man may resist the Magistrate for abuse of his power, he may do so also against his father, or Master on the same grounds, and if he may not so deal with them, he may not deal so with the Magistrate neither]* Answ. It is true that no punishment unjustly inflicted is eligible where lawfully it can be warded off; but there may be more said, for the lawfulness of warding off of death, then for warding off a little blow. And 2 there may be more said for warding off a blow, then for warding it off by violenting the Superiour: We speak not of violenting the Superiour, but of warding off the blae and bitter blowes, and such other injuries equivalent to death, done by his bloody emissaries, which may be done without violent re-offending the powers above us. 3. When the injuries are great and grievous, and not easily repairable, God and nature will allow, a warding of these off, even by violence, when they can no otherwise be shuned. Though a Childe may willingly Subject himself unto correction, though he do not really deserve it, yet if his father instead of taking a whipe to chastise him, shall take a sword to hew him in pieces, or a knife to cut his throate, I suppose in that case, the Childe may refuse hearty subjection, and either flee away, or if he cannot, save his life so long as he can, either by calling for help, or with his owne hands if he

be able. And here he will grant, I suppose, that the gradual difference of inflicted evils will make a variation in poynt of this duty of resistance. So in smaller injuries subjects may be patient, and beare a little, for redeeming more, and rather suffer the losse of little then hazard all, but when it comes to an extremity; and Life, and Religion and Liberty, and all that is dear to them as men and as Christians, is in eminent and unavoydable hazard, then they may lawfully stand to their defence, and resist that abused power, not merely, nor only, nor formally, because it is an abused power, but because it is so abused, as that it destroyeth the ends for which it was appoynted, and destroyeth all that is deare unto them, and which they are bound to defend, upon any hazard, if it be in their power; because the losse is irreparable. Though a gradual difference of evil inflicted do not vary the spece of evil inflicted, the least evil inflicted being an evil essentially as well as the greatest, to him who doth inflict it; yet it may alter the ground of resistance, not only of superiours, but also of equals and inferiours; for I may beare with a final injury at the hand of mine equal and inferiour, and not so much as seek reparation by law, when I see that either the matter is not *remediable*, or that I shall expend more in regaining my owne, then all my losse was: But will he think that upon this ground it will follow, that if mine equal or inferiour shall endeavour by fraud or falshood, to take from me my whole estate, I may not then sue him at the law, and vindicate my owne? Sure it were irrational to say so.

6. This will speak as much against resisting of the inferiour powers, as resisting of the Supream: For they are metaphorical Fathers too, and superiours over us, as well as the Sovereigne, and the comparison will hold in the one, as well as in the other. Now if he think that the concurrence or command of the Inferiour Magistrate, will not warrand Subjects to resist the Supream; He must also say that the concurrence or command of the Superiour, will not warrand a resisting of the inferiour; and so it shall be alike unlawful to resist any, if this comparison hold, according to his urging.



of it: For it was not lawful for the Childe to resist the Mother, but to suffer patiently her chastisement, though the Father should have been indulgent, and would have pardoned the Childe, or extenuated and excused the Childe as not guilty of the fault alledged. So was the childe also obliged to be Subject unto his Father's corrections, though the indulgent Mother would have taken the Childe's part against the Father.

7. The Servant was to bear buffets patiently 1 *Per. 2.* & after Christ's example was not to buffet againe; for *Christ being reviled did not revile againe*, and so the place speaketh not against resistance for self defence; but against buffering againe, which is no formal warding off of blowes, & floweth not from sinlesse nature seeking to defend it self; but rather from a spirit of evenge: So that, for all this, the Servant might have warded off blowes, and saved his head with his armes, when his ruel Master was seeking to break his head.

8. It is one thing to speak of what a Childe may do, who hath no power to resist his father, or what a slave is called to, who hath no power or probable way to resist his Master; & another thing to speak of what a Nation, or a Considerable part of a Nation may do against a few, whose unjust violence they are able to resist.

9. The maine ground of this argument is a mistake; for we thinketh that patient suffering is inconsistent with resisting. But *Lex Rex* quæst 30. Pag. 281. hath shewed a constencie, (but it is his best, according to his usual custome, to passe over such things as he cannot answer.) So that the consequence is a meer nullity: for because servants are to suffer unjust buffetings, at the hands of their wicked Masters, It will not follow, That therefore they are obliged in conscience to non-resistance: for as *Lex Rex* sheweth, The Church of God was to bear with all patience the indignation of the Lord because she had sinned *Micah. 9. 10, 11, 12.* and yet she was not obliged to non-resistance; but rather obliged to fight against her Enemies. *David* beare patiently the wrong that his Son *Solome* did to him, as is clear by *2 Sam. 25: ver. 25, 26. and 27. 16: v. 10, 11, 12. Psal. 3: v. 1, 2, 3.* Yet did he lawfully

resist him and his forces. So we are to beare sicknesse, paines, and torments, which the Lord sendeth on us ; and yet very lawfully may we labour and use all lawful meanes to be freed from them.

10. Christ's Rule to us ; *Math. 5: v. 39.* is, *that whosoever shall smite us on the right cheek, we should turne the other to him also,* and what more patient subjection can be required by a Magistrate of his subjects ? and yet this will not make it altogether unlawful for private persones to defend themselves from unjust violence offered them, by their equalls or inferiours. No more will it follow from that patient subjection that we owe to Rulers, that in no case we may resist their unjust violence, and defend ourselves there from.

11. I hope notwithstanding of any thing, that is spoken in these passages, he will allow children when wronged by their Parents, and Servants when injured by their Masters, liberty to complaine to Magistrates who are over both, and yet this is the using of a legal resistance, and as much opposite (if at all opposite) to the patience and subjection injoynd, as is violent resistance, when that legal resistance cannot be had ; as suppose, when Father and Son, and Master and Servant are living in no Community, where there are Rulers and Judges over them : and if this be lawful in this case (as it cannot be denied) then must it also be lawfull for subjects to repel the unjust violence of Princes with violence: Because there is no political Rulers over both *King & People*. But People must make use of that *Court and tribunal of necessity*, which nature hath allowed, and by innocent violence, repel the unjust violence of Princes, seeing there is no other remedy.

His second ground out of Scripture is taken from *Mat. 5: ver. 10.* *1 Pet. 4: ver. 14, 17.* and the like places ; [*Where there is a commended suffering for Christ and Righteousnesse sake, and consequently a sort of commanded suffering: a suffering distinct from suffering for evil doing, even a cleanly submission to suffer in and for well doing (when God in his providence permits Rulers so to abuse their power) which passive subjection or submission is not grounded on the Rulers abuse of his power through his corrupt will,*

but upon the peculiar command of God enjoining submission in such cases ]

Ans<sup>r</sup>. 1. These & the like speak nothing at all to the poynt: For, as we may be persecuted for righteousness sake by equals, Yea and by inferiours; so we are to suffer that persecution, when God in his providence calleth us thereunto, with patience and humble submission of Spirit. But is this a good argument, to prove that it is unlawful for us to resist and repel injuries offered to us by equals or inferiours? And if it will not prove it unlawful for us to resist our equals or inferiours, neither can it hence be inferred that it is unlawful for us to resist Superiours. 2. By this same reason the King if a Christian, is bound to submit as well to his subjects, as they to him; at least, he is not bound to resist a foraigne King invading him for Religion, which I know not who will grant. 3. That God alwayes calleth us to submission or passive subjection, when in his providence he permits Rulers to abuse their power, is the thing in question, and this argument doth no way prove it. 4. We grant, that God calleth us to suffer for righteousness sake, patiently and Christianly, whether at the hands of Superiours, or at the hands of equals or inferiours, when in his providence we are so stated, as that we must either suffer, or sin by denying a testimony for his truth and cause: But that, when a door is opened for eshewing suffering, and God in his providence seemeth not to call us thereunto (as he never doth, when he giveth a faire way of preventing it) we are called to suffer, and bound to choose suffering at the hands of any, is denyed and not proved by him.

But further he tells us. That [ *Lex Rex* quaest. 30. teaches of passive obedience, as a chymara, as a dreame, and as involving a contradiction: And he thinks (sayes he) he speaketh acutely, in saying, God never gave to any a command to suffer for well doing, nor at all to suffer (suffering depending on the free will of another without us, and not on our owne free will; and so not falling under any command of God to us,) but he reasones (sayes he) very sophistically, inferring that because meer suffering, which necessarily depends on the action of another, is not commanded to us, therefore



*subjection to suffering, or passive obedience is not commanded, when the Magistrate inflicts suffering.*] *Ans.* The worthy Author of *Lex Rex* was there answering the objection of *Royalists*, who alledged such places, where, they supposed, we were commanded to suffer, and among several assertions, which he laid down to solve this, he had this assertion, That suffering formally as suffering, nor non-resisting passive, could fall under no formal law of God, except in two cases, 1. in the poynt of Christ's passive obedience, and 2. indirectly and comparatively, when it cometh to the election of the witnesse of *Iesus*, whether he will suffer or deny the truth of Christ, so that this alternative must be unavoydable, otherwayes (*sayd he*) no man is to expect the reward of a witnesse of *Iesus*, who having a lawfull possible meane of eshevving suffering, doth yet cast himself into suffering needlessly. Novv vvhat a meer vvangler must this be, vvho sayeth, that that vvorthy Author did reason sophistically in so inferring, vvwhileas he is only ansvvering the objection: and hereby he doth it sufficiently; for if it beevinced (as he hath unansvverably evinced it) that passive obedience or passive subjection is not formally commanded; then their arguments proving this passive subjection to be our duty, are null; and so they cannot hence inferre, that non-subjection passive is forbidden. And vvhat have they gained then out of these places? Can this *Surveyer* affirme that passion as passion, or suffering formally as such, cometh under a command of God? no, he dar not, but must vvith *Lex Rex* say, that it is impossible that meer passion, (*as to be whipped, to be hanged, to be beheaded should be the object of an affirmative or preceptive command of God.* Why then is he offended vvith *Lex Rex*? Why jeers he at that worthy Author, saying he thinks he speaks acutely? is this to answere *Lex Rex* to jeer at what is there sayd, and then be forced (or speak non-sense) to affirme the same thing that is there asserted? But sayes he, *Pag.* 34. [*Subjection to the passion may fall under a command, and this is called passive obedience, which implyes more then meer passion or suffering; even a disposition and motion of the heart to lye under that lot vvith an eye to God, whose ordinance is used upn the sufferer; only it is called passive obedience, because as to the precise suffering the punishment, there*

here is no external action done, enjoyned by the law or command of the Magistrate, as there is in active obedience, although there be some dispositive or preparatory actions in order to suffering (not inferring a direct preparation to a mans owne suffering) which he may and ought to do, as going to a gallows on his owne feet, or up a ladder, or laying down his head on a block, that it may be stricken off.]

Ans<sup>r</sup>. That subjection to the passion might fall under a command was granted in some cases by *Lex Rex*, as was said; but that it falleth under a command when God openeth a faire door to eshew it, he is not able to prove. 2. How proper it is to call that submission passive obedience, is not worth the while to enquire, *Lex Rex* tolde us (and he cannot confute it) that it was *repugnans in adjecto* to call it obedience, since obedience properly so called, is relative essentially to a law: Now there is no moral law enjoyning this, for no man is formally a sinner against a moral law, because he suffereth not the evil of punishment, nor are these in hell formally obedient to a law, because they suffer against their will. 3. As for that disposition and motion of heart, which he speaketh of, that is nothing but what *Lex Rex* said viz. That *modus rei* the manner of suffering, was under a command, and indeed obedience to that was and is obedience to a moral law. But the *surveyer* called it an errour to say that only the *modus rei* is commanded or forbidden, and why? because (sayes he,) That same command that forbids resisting the Magistrate in doing his duty, enjoyneth submission and passive obedience to him, although we were able by force to deliver ourselves, out of his hand.] Ans<sup>r</sup>. Then by him, there is no medium betwixt this submission to passive obedience, and positive resistance: And so, either he must say that flying is resisting, which yet *Pag. 41.* he calleth a monster of a Stoical paradox) or he must say, that flying and refusing to submit to his passive obedience, is a submitting to this passive obedience: And whether this will not rather look like a monster of a Stoical paradox, let all men of common sense judge. 4. Is the guilty person bound by any moral law, to suffer death or whipping, if the Magistrate will not execute the sentence upon him? Or is every one in that case bound to

deliver up himself to the Magistrate, & accuse himself, and pursue the accusation until the sentence be executed? If not, how doth this passive submission fall under a moral law? If he say, when he is apprehended or in hands, he is not to resist, but submit to the stroke. *Answer.* 1. Will not any see, that then the *res ipsa* is not commanded, but the *modus rei*, and so *Lex Rex* said true, *Pag.* 318. That passive obedience to wicked Rulers was enjoined *Rom.* 13. only in the manner, and upon supposition that we must be subject to them, and must suffer against our wills all the evil of punishment that they can inflict, Then we must suffer patiently. But 2. Though we be bound to submit to the Magistrate doing his duty, and inflicting just punishment, will it follow that therefore we are bound to submit to the Magistrate doing not his duty, but inflicting unjust punishment? Or doth the same passive obedience to powers punishing unjustly fall under the moral law? How doth he prove either the consequence or the consequent? [*We assert* (says he *Pag.* 53.) *That a private person though wrongfully afflicted by the lawful Magistrate proceeding according to law, (let it be so that it is lex malè polita or an evil law) is bound not only to Christian patience in suffering — but unto a submission without repelling of violence by violence; and that in conscientious respect to the ordinance of God, wherewith the lawful Magistrate is invested (although abusing it in this particular) and with a tender regard to the prevention of seditions and confusions in humane societies.*] *Ans.* 1. This is dictator-like to prove the conclusion, by asserting it; what a ridiculous fool is he to come with his assertions, and yet give us nothing but the very thing controverted? Is not this a very hungry empty man, to beg (when he cannot better do) the very thing in question? 2. Then it seemeth, he will grant that a private person may resist the lawful Magistrate, when proceeding contrary to law; where is then the conscientious respect to the Ordinance of God, wherewith the lawful Magistrate is invested; and that tender regard to prevent sedition, &c. which he talketh of? Sure in the one case, the Ordinance is but abused, as it is in the other. 3. Let me ask, if there were a just judge



idge sitting, who would execute justice and judgement for God, and were summoning him to answer for his perjury, postasy, and other villannies which he is conscious to himself of, and some others are privie to, and could witness against him; would he compeare, or rather would he not stand from under the reach of justice, and secure himself? or if apprehended, would he not labour an escape to save his neck from the rope? If so (as all who know him will verily beleeve he would) where would then this submission be which is due unto the Magistrate? And where would his conscientious respect to the Ordinance of God not abused, but very rightly used in that particular, be? 4- If a Magistrate abusing his power to the destruction of the Subjects, should be resisted, what inconvenience would follow thereupon? [*Seditions (sayes he) and confusions would be unavoidable, if every one, as he thinks himself wronged, shall be allowed to use force upon the lawful Magistrate proceeding by law; the greatest malefactors being ready to justify themselves, and to violate the justest Magistrates in their just proceedings.*] *Ausw.* This is but the old song chanted over and over againe to us, and may therefore be dismissed with a word: viz. That as the Magistrate's abuse of his power in a particular, will not make the power itself unlawful (as he will grant,) so nor will the abuse of his resistance in a particular, make resistance it self unlawful. 2 We plead not for resistance by every one who thinketh himself wronged, but for resistance when the wrongs are manifest, notour, undeniable, grievous and intolerable, and one to a whole land, to God's glory, to Christ's interest, to a Covenant sworne and subscribed by all, to the Fundamental lawes of the land, to the compact betwixt King and subject, to Religion, Lawes, Libertyes, Lives, and all which is dear to People. These wrongs as they are no petty injuries, so nor are they questionable or uncertane, but as manifest as the sun at the nonetide of the day. 3. What if the Magistrate or his Emissaries proceed not according to law? And what if the law, which they pretend, be no law *de jure*, or a law made *a non habente potestatem* (as shall be manifest to be our case) should there no resistance then be

used but a stupid submission, out of a pretended and supposed regard to the prevention of seditions and confusions? 4. Since he thinks that so much regard is to be had to the prevention of seditions and confusions in societies sure he should think that as much regard is to be had unto the prevention of the utter ruine & destruction of societies. Now if Magistrates abusing their power to the destruction of Societies, might not be resisted; how shall they be preserved from utter ruine, which is much more carefully to be prevented, then seditions and confusions in societies: And since he thinks, without ground, that our doctrine is so evil and scandalous, and openeth a wide gap for all wicked seditious persones to work confusion in the Commonwealt, and to overthrow the best and justest Magistrates; we have just ground to think that his doctrine is not only evil and scandalous, but most perverse, wicked and abominable opening a wide door to all tyranny, oppression, cruelty; and an encouraging of all wicked Tyrants to deal with their Subjects as so many Brutes or worse, without all fear of opposition; and to destroy utterly all Commonwealths, or make them meer prison-houses for slaves, &c. And, if this doctrine of his tend not more to libertinisme, then ours, let all judge.

His last ground out of scripture is that known passage Rom. 13: ver. 1, 2. with 1 Per. 2: ver. 11. (I think it should have been ver. 13.) Concerning which, he sayes, [*Such subjection is there commanded to the Powers then existing or in being* *ποίαι ἐξουσίαι* (such as were Caligula. Nero, Domitian, monstrous Tyrants, enemies and persecuters of God's People) as is opposed to *ἀντιτάξις*, to stand in order against them (the word is from *τάξις* a military rearme) every soul is commanded to be subject or to stand in order under them *κατάταξις* and for bidden to be *ἀντιτάξις* to stand in military order against them either defensive or offensive: By powers which are not to be resisted are clearly meant the persons in power, as the Apostle afterward expones himself v. 3, 4. calling them Rulers, and Ministers of God, he means undoubtedly certaine supposita and persons invested with power, and cannot mean the abstract ordinance of God, &c.]

Ans.

*Ans.* 1. That subjection here required is a standing in order under them, and is opposite to the resisting or contra-ordinatnesse here meant, is granted; For 1. we do not say, that Christianity destroyeth Magistracy, or exempteth Christians from subjection unto Magistracy and Magistrates: As some Hereticks then did, abuseing their Christian liberty, to destroy Magistracy; & as Heathens objected unto Christians as *Gerhard de Magist. Polit. n. 34.* thinketh, which (as some think) was the occasion of *Paul's* asserting the ordinance of Magistracy. Nor 2. do we say, That it is unlawful for Christians to be subjects unto Heathen Magistrates, which, because Christian Gentiles might have run in from some Jewes, particularly the *Gaulonires*, who held it unlawful to yeeld any subjection unto *Roman* Emperours, or to strangers, might have been the occasion of *Paul's* discourse of this Ordinance. And therefore to confute these mistakes, The Apostle sayes *Let every soul be subject unto his higher powers, &c.* that is, acknowledge even such lawful Magistrates, though they be heathens, and yee christians, whether Jewes or gentiles, and think not yourself excoemed from the duty of subjects towards such. So that this makes nothing against us, and the subjection here required, upon this account, is not the subjection now in question; for a resisting of open and notour tyranny, otherwise unavoidable, both well consist with this subjection, viz. an acknowledgment of Magistrates as lawful powers ordained of God, for the good of the Subjects.

2. The word *subjection* being thus taken in a general comprehensive sense, as containing in it all that duty which is required of Subjects towards their Superiours, The opposite *earme-resistance*, or counter-orderednesse must also be taken in a general comprehensive sense, as including all the contrary evils. Now, as obedience is a special poynnt of subjection unto Superiours, So disobedience is a special poynnt of contra-ordinatnesse. But, as an universal and unlimited obedience, in all poynnts, is not here required, so neither can an universal and unlimited subjection to suffering be here required: for it cannot be proved, that every act of disobedience is a



resistance here condemned; & that every act of obedience, is a part of the subjection here required; So nor can it be proved that every act of resisting or refusing passive obedience is here condemned, and that every act of submitting to passive obedience is here commanded. But only that that obedience is commanded, which is due to Magistrates; and that resistance vvhich is unlawful, & is opposite unto that subjection required, is prohibited. So that this place cannot prove that all resistance is unlawful; because non-obedience is resistance, or a contraordinatnesse; and yet all non-obedience is not here prohibited. Againe, the *subjection* comprehends that honour and respect, which is due unto Superiours, and which is both inward in the heart, minde and thought, and outwardly expresse in words, gestures, carriage, &c. So must the word resistance comprehend within it self, all that is opposite there unto. Now, as by this place, it cannot be evinced that it is unlawful to resist abused power, or persons abusing their power to tyranny and oppression, in our thoughts, and by our words: for then it should be unlawful to abhor, & detest the oppression and tyranny of cruel tyrants; or for the Messengers of the Lord to rebuke them for the same; or for People to pray & supplicate to God against them, which is utterly absurd and false: So nor can it be evinced by this place, that it is unlawfull to resist such abusing their power, by bodily force; for the text speaketh no more against this, then against the other; and yet the other is lawfull; and therefore so may this be, for any thing that is here said: The one is resistance as well as the other, though not so great, but *maius & minus non variant speciem*. And therefore, if this text do not condemne all resistance, it cannot be evinced that it condemneth the resistance we speak of.

3. Notwithstanding of the Resistance that here seemeth to be prohibited; yet we know that the Senate not only resisted *Nero*, but proceeded against him by way of open justice, deposed him, and condemned him for tyranny, adjudging him to have his head fastned to a forke & so to be publickely whipped to death, and then precipitated from a rock, but he escaped & killed himself (as historians say:) and in this fact they

they are approved by learned politicians, and lawyers. See *Godin de Repub. lib. 2. c. 5.* So that either he must say that *Nero* was not the higher power, who might not be resisted, but that the Senate was above him; or that such as justify the Senate are in an error, and so he must condemne them for what they did, without any colour of reason.

4. This text will no more plead against resisting of Superiour powers, then against resisting of inferiour Magistrates: For the text speaks of all in any supereminency: It speaketh of *powers* in the plural number: see the *dutch annot* on the place: & *Peter* mentioneth *inferiours* as well as the *Supreme*. Now will the *Surveyer* say, that in no case, it is lawful to resist even by force, the inferiour Magistrates? will he say that we may not oppose them when abuseing their power: And if he grant that in some cases, inferiour Magistrates may be resisted, he must also grant that this text doth not forbid or condemne all resistance to the higher power; but only a resisting of legal and lawfull commands, whether by disobedience or by armes.

5. Though we cannot say, that the Apostle is speaking here alwayes of the ordinance of Magistracy in the abstract, so as altogether to exclude the persons invested therewith; yet we think it hardly saife to say, that there is nothing here to be understood of the abstract office; as when he speaketh of the original and rise of the office, and of the end and proper native effect thereof, it is more proper to understand that of the office *in abstracto*, then of the *Supposita* so invested. Next whatever is required here as due to the *Supposita*, it is upon the account of the office, with which they are invested, and in so far, and no further: And therefore though the office and ordinance cannot be resisted, yet the person who is there vvith invested, may be resisted, not as he is invested, but as he abuseth the power, and so devesteth himself: for as he abuseth the power he cannot be looked on as invested there vvith, in so far; especially if he abuse it in the maine and principal ends for vvich it vv as appoynted: for then he is *de jure* and upon the matter utterly devested thereof. Further whatever subjection is due to the person, it is upon the account of  
the

the office, which he beareth; and no more subjection is due to him upon that account, then is due unto the office it self, or to the civil legal authority which is imported by the abstract word (if so much, seing, *a quo quidquam est tale, id ipsum est magistratus.*) Therefore the subjection vvhich is not due to the office, cannot be due to him: Nowv subjection is due to the office as it is the office: And an abused office is not the office, *Ergo* that subjection is not required to the abused office which is due to the office. *Ergo* nor is it due to him vvho abuseth the office. The office vvill not vvarrand a subjection to that vvwhich is not the office; and an abused office is not the office.

6. The submission or subjection here required, is not unto Tyranny, or Tyrants vvho abuse their povver unto the destruction of the Commonvvealth, and to the ruine of the Subjects as such: For, such are not the ordinance of God (nor ordained under God, but opposite to God) unto which alone, the subjection here spoken of, is due. *Gerhard de magistr. polit. 2, 54.* Tels us that the apostle doth acurately distinguish betvvixt the povver, and the abuse of the povver; and sayes the povver it self, and not the abuse of the povver is of God; and also, that he distinguisheth betvvixt the office it self, & the person in office: the person oft by fraud, violence & falshood and other evil meanes, by cruelty & tyranny, both assumeth the place, & exerceth the office, & in this respect is not of God *Hos. 8: 4.* 2. The resisting of Tyrants cannot procure damnation unto the resisters, because they have violated no command. 3. Such are not a terrour to evil works, therefore submission is not due unto them as such. 4. Such will not give praise to such as do vvell; but that is the power vvwhich is not to be resisted, of vvwhich vve are to be afrayed, and of vvwhich vve shall have praise vvwhile vve do that vvwhich is good- 5. He is not to be resisted vvho is the Minister of God for good. But Tyrants, *Neroes* vvho vvished that all the Romans had but one Neck, that he might cut them all off at one blow, are not ministers of God, in so far, but ministers of Satan. 6. Such are not the revenger vvho beareth the sword



execute wrath upon him that doth evil, but rather imploy  
the sword to destroy such as do vvell, to subvert Lawes,  
religion and all that is good: Therefore it is not of such as  
ch, that the text speaketh, when it sayes we must yeeld  
ubmission. 7. As it is not upon the account of their  
laying the tyrant, and overturning Religion, Liberties  
Subjects, that tribute is to be payed to them, so nor is  
ubjection to be yeelded unto them, in all poynts, but as  
they are God's Ministers attending continually upon this  
ery thing, to suppress wickednesse, & promote godlinesse.  
Nor is it upon any other account, that fear, honour, and  
ustome is to be given unto them. And so the text considers  
ese powvers, to vvhom subjection is due, not as Tyrants, or  
abuseing their power to the ruine and destruction of all;  
ut as carrying themselves as the Ministers of God, for the  
nds appoynted, and not as the Ministers and ordinance of  
atan. Therefore notwithstanding of any thing in this  
ext, such may be resisted, or rather their Tyranny may be  
sisted, which is not, nor never was ordained of God,  
d vvhich is directly opposite unto, and no part of that  
over ordained of God. And though Nero and some others  
vere real Tyrants, yet neither doth the text name him, nor  
oth it presse subjection to tyranny in any, for lesse to his Ty-  
anny; but only subjection to the powers that are of God, &  
rdained of him, of which there might have been some vvh  
ere no Tyrants, even when Nero was playing the Ty-  
ant; And it is as rational to understand the text of those  
of Nero or such like. However vve finde subjection is  
ressed to the power vvhich is ordained of God, and that is  
ot the power as it is abused. From all which it is cleare, that  
is not the *suppesita*, but *suppesita* as such, which are not to be  
sisted, or such as carry in a due subordination unto God, se-  
ing all the Apostles arguments presse only subjection unto such,  
nd not unto Tyrants, who are a terrour to good works, and  
praise to such as do evil, and not the ministers of God, nor  
evengers to execute wrath upon such as do evil, but rather on  
uch as do good, neither do they attend upon this thing where-  
f the Apostle speaketh, and are so far from being the ordi-  
nance

nance of God, that they are resisters Themselfes of Gods ordinance, by making lawes contrary to God's lavv, and punishing such as observe God's lavv. It cannot therefore be more sinful to resist such, then to resist a deputy persecuting such as keep the King's lavves, and making lavves of his owne directly contrarie to the King's lavves; for heis the Rebel and the resister of God's ordinance, and not they vvho are faithful to their Sovereigne.

To this he maketh some reply *Pag. 37.* and [(sayes) *It hath been often granted, and scill is, that no man or Magistrate on earth, hath a moral power, commission or command from God to do evil, or to afflict any unjustly.* 2. *The question is not concerning the Magistrat's duty, but anent the Subject's duty, in case through the permission of divine providence, the Magistrate abuse his place and power, in unjust afflicting the innocent; whether the private Subjects may use violence against, or upon the Magistrate, or should rather submit to suffering, (though unjustly) not for reverence to the abuse of the power, but in reverence to God, whose ordinance the power (which he abuseth) is]* *Answ.* 1. If Magistrates have no moral power, commission, or command to do evil, The resisting of that evil is no resisting of any moral power from, or commission given by God; as, if they have no power to command evil or sin, resisting of that command by non-obedience, is no resisting of their power or commission. 2. Though the question should not be concerning the Magistrate's duty, yet we are to enquire, what that power is, against which, Subjects may use no violence. 3. If Subjects be bound not to use violence, but rather submit to suffering when the power is abused, not for reverence to the abuse of the power, but in reverence to God, whose power it is: Why shall they not also be bound, rather to yeeld obedience to, then to resist by non-obedience, unlawfull commands, though not for reverence to the abuse of the power, yet in reverence to God, whose ordinance the power which is abused, is; as he sayes? Sure the text here maketh no difference, and if there be any difference he must prove it from some other text, which we have not yet seen, nor expect to see in haste. 4. We have shewed already, that, he sayes  
without

without ground, that the abused power is of God, or his ordinance. But there after, sayes he, [*And although the spirit of God in describing the Magistrate sayes, he is the minister of God &c. It is not meant that that is the formal reason of subjection to him, (in the full latitude of subjection) nor that the Magistrates then existing and in being, to whom the people are commanded to be subject, and forbidden to resist, were such de facto in all their actings — but what the Magistrate is ex officio, and what he should be de jure.*] *Answ.* 1. He seemeth to distinguish here betwixt a subjection in it's full latitude, and a subjection not in it's full latitude; but how doth he explaine this distinction, that we may know what to make of it? He seemeth also to grant that some subjection, though not subjection in its full latitude, hath that description of the power, for it's *formal reason*, formal reason: But what can his meaning be, seing the text maketh no difference? Is this his meaning, that subjection active, or active obedience hath that for it's formal reason, so that the subject is to obey no power, but that which is for a praise of the good, and a terrour to the evil &c. But subjection passive or passive obedience goeth upon another ground, and must be yeilded to a Magistrate even when he is not a minister of God for good? If this be his meaning; it is but a shameful begging of the question: and if he grant, that any subjection is due to the Magistrate, only as he is a minister of God, we are gainers; for he can never prove the other from this text; and subjection here is considered & pressed in its full latitude; and these are laid downe as the grounds thereof. This vve may saifly averre, until he demonstrate the contrare, which we despaire to see done; especially seing the text fully cleareth the same: For as subjection in its full latitude is pressed, so all the Apostle's arguments, & motives, speak to it in its full latitude: *There is no power but from God*, presseth whole subjection; because the whole power is from God, & not a part of it alone: & therefore it must speak to all the relative parts of subjection. So the other argument. *v. 3*; taken from the end of Magistracy, speaketh to the whole of submission in its full latitude: & also the other argument taken from the nature of his office: <sup>and</sup>



so the rest. So that all the motives or grounds of subjection, which are here made use of, speak to all the parts of subjection: And therefore if they be the formal reason of one part thereof, they must be the formal reason of the whole.

2. We do not say, that all the Magistrates then existing were *de facto* such as they were bound to be *de jure* (nor can we say that they were all like *Nero* or *Caligula*) nor dar he say that subjection in its full latitude, as comprehending as well active as passive obedience, commonly so called, was to be given to *Nero* and his like, or was here commanded to be given: and what hath he then gained? But it is like all alongs he taketh *subjection* for passive obedience. But 1. can that be subjection in its full latitude? 2. Was that the main thing controverted then? 3. Doth the motives speak to that alone? 4. How will he prove that passive obedience is here spoken to at all; since all the particulars mentioned are actions, and duties of action? What sayes he further? *Pag. 32.* [The Apostle speaking of the person invested with power, calling him the Minister of God for good, no terror to good works, but to evil, a praiser of good, &c. shews only what a Magistrate should be *ex officio* and is *de jure*; but layes not this as the ground of subjection and non-resistance to him: but this, that he is a superiour power ordained of God: if he abuse his place, he is to answer to God for it, but the abuse of the power in a particular, doth not nullify the power, or make it no power — he abides invested with authority — subjection of one sort or another is due to him, because he is in officio, not because he abuseth his office.] *Answ.* The Surveyer giveth us here a new Analysis of the text, that no commentator hath hitherto thought upon no motive, according to him, is here made use of, except one, and yet none can reade the place, but they will finde it otherwayes: Sure the causal *for*, *ver. 3*, and *4.* is as clear ground of a motive as the *for v. 1, 2.* By his way all the rest of the arguments used *ver. 3, 4.* have no influence on the subjection and non-resistance pressed; and yet the text giveth this reason why such as resist the power receive to themselves damnation *viz. for Rulers are not a terror to good works but to the evil, &c.* and this, with what followeth hath no

small force to presse submission, and non-resistance. 3. It is true if he abuse his place, he must answer to God for it, but that will no more prove that passive subjection, or obedience (as he calleth it) is alwayes due to him, then it will prove that active obedience is alwayes due unto him. 4. We grant that the abuse of the power in a particular doth not nullifie the power; Yet, when the abuse is such, as destroyes the maine ends of the power, sure if it be not wholly, it is in a great part, nullified *de iure*. But whether the power be nullified or not wholly, it may be resisted in case of necessity, when it is palpably abused: For then the power which is of God, is not resisted: But only the abuse of the power, or that which is not the power ordained of God. 5. Subjection, it is true, of one sort or another is due to him because he is *in officio*, and therefore so long as he is *in officio*, he is to be acknowledged to be *in officio*, and to be obeyed in things lawful: Honour, reverence, tribute; and custome is due to him, and, in matters of smaller moment, his penalties are to be endured, when there is no faire way to shun them: But hence it will not follow, that he must never be resisted, even when he intends nothing but the destruction of Libertyes and Religion; and overturneth the ends of government, and crosseth the maine and principal ends of his office and power. Then he tells us *ibid.* [That among many things wrong *Lex Rex* hath that true word Pag. 325. We are to suffer evil of punishment of Tyrants, some other way, and in some other notion; then we are to suffer evil of equals; or we are to suffer evil of equals, not for any paternal authority they have over us, as certanely we are to suffer evil of superiours Thus he. And this is all we require to suffer evil of the Magistrate or superiour; without violating his person, upon the account of his paternal authority, which (though in a particular abused *ic. & nunc*) remaines the ordinance of God: and in a respective reverence to that ordinance wherewith they are invested, we are humbly to suffer wrong from them (if we cannot by petitions move their forbearance) neither justifying in our consciences the wrong which they do to us, nor judging them to have a commission from God, as to their wrong doing, but regarding both God's providence, and God's ordi-

nance in their persones which ceaseeth not to be his, although abused in a particular act towards us.] *Answ.* 1. It is strange howv this corrupt fountaine, as he calleth it else vvhere, *Lex Rex* can send out good and svveet vvaters? 2. *Lex Rex* is there ansvvering this quæstion: *Whether any passive subjection at all be commanded as due to superiours, Rom. 13.* And ansvvereth. [1. *None properly so called, that is purely passive, only we are for fear of the sword, to do our duty.* 2. *We are to suffer ill of punishment of Tyrants, ex Hypothesi that they inflict that ill on us, some other way, &c.*] Novv vvhat it there here that makes for him? Sayeth *Lex Rex* that vve are to suffer absolutely all the evil of punishment, vvwhich they vvould inflict upon us? No such thing sayeth he. 3. If he seek no more then vvhat *Lex Rex* sayeth here, vve are agreed; but sure he must then recal vvhat he hath formerly said. 4. Ay, but sayeth he, this is all we require, to suffer evil of the Magistrate, without violating his person, upon the account of his paternal authority: But 1. there is a difference betwixt suffering evil indefinitely and absolutely, and suffering evil *ex Hypothesi* that it be inflicted: *Lex Rex* said this last, and not the former. 2. We may refuse to suffer evil of the Magistrate without violating his person: every resistance of unjust violence offered by Magistrates, is not a violating of his person, nor necessarily accompanied therewith; for the violence resisted, may be, and oft is, committed by his Emissaries. 3. Though we are bound to suffer (*ex Hypothesi* that we do suffer) of Tyrants upon the account of a paternal authority; yet it will not follow that such may not be resisted; for though the Son is to suffer evils at the hands of his father, when he inflicts these, upon a paternal account; yet in some cases, the parent may be resisted, even by the Children, as is said. 4. No respective reverence to the ordinance doth absolutely bind us to suffer; for he will grant we may flee; and here he sayeth, we may by petitions move a forbearance. 5. What if the evil be great and imminent, and flying is not practicable, and not only there is no moving of  
forbearance



forbearance by petitions, but very supplicating is discharged under highest pain? Are we then humbly to suffer that wrong, and so give up all our Necks, our Liberties, and our Religion to the lust of a Tyrant, without any resistance? This is the quæstion, and we are waiting for proof of it. 6. It is true when providence so ordereth matters, that we cannot shun suffering, then we are to regard both God's providence, and respect that ordinance which is abused, and so suffer such evils of these, under another notion, then of equals; and yet it will not hence follow that we are absolutely bound to suffer, and never allowed to resist.

Thus we see in end, (which I would have the reader specially to notice) that he cannot urge this place against us; but he must the same way hence enforce an absolute and universal obedience in all things whatsoever; and also condemne other Royalists, and it may be himself also; Who, as we heard above, did grant it lawful, in several cases, to resist Tyrants. Yea and condemne that which formerly he durst not positively condemne, *viz.* resistance by the Parliaments and primores Regni, and thus also condemne *Calvin*, and other divines, granting, and positively affirming this: all which, though we had said no more, is enough to cut the sinew of any argument which he hath adduced, or yet can adduce from this passage; and so we passe to examine his other grounds for absolute submission.

## The Surveyers grounds for absolute Submission to suffering, taken from the primitive Christians, and reason, examined.

**O**Ur Surveyer, cometh next to speak of the example of the primitive Christians *Pag. 38. &c.* and this he must usher in with his ordinaire jeers, and groundlesse reflections, telling us that *His opinion hath been the common sense of the generation of God's Children before this fiery yron age; and that their sober examples, are of more weight and imitation, then the furious practices of any of late, whereunto they have been inflamed by the doctrines of popular parasites and fierce demagoges, such as this libeller and his complices.* But we have found, & possibly may yet finde further, how far he is mistaken in this. And indeed in some respect, this may be well called a fiery iron age; for I beleieve since Christianity was heard of, there was never so much obduration of consciences, so seared with hote irons, and inflamed with rage against piety, fidelity, truth and uprightnesse of heart, as is this day: It were well to be wished that this Surveyer and his complices would take either the example of the Prophets, or Apostles, or of these sober Christians, who lived nearest to the light of the Apostles times, and learne after their example to be more sober, and constant to his principles; sure he will not finde in their practices, so much perfidy, treachery, debauchednesse, hatred of piety, persecution of truth, and of the godly, as both he and his complices are notoriously guilty of. Will he find among them such court parasites, such patrons of Apostasy, such authors of rebellion against God, such Tyrannogogues, and base flatterers, as he and his fraternity are? Will he finde in all their writings such bitter investives and reproaches against the vway of God, and his People, as may be seen in these fevv sheets? Will he find such commendations of tyranny, oppression, bondage and slavery, as if it vvere nothing

othing but the compound of justice and equity? But we come to the purpose.

The summe of his argument is this, *That though by the testimony of Tertul. Apolog. cap. 1. 33. and 37. and Cyprian. ad Demetrianum. It is apparent, the Christians wanted not might to raise armes, against the Emperours; yet they never used any resistance either for the defence of themselves, or for the rescuing of their oppressed breikren: Yea even after that in Constantin's dayes, Religion had been legally established, and the Christians able enough to defend themselves, yet they used no violence against the Arrian and Apostat Emperours who succeeded: Under the persecuter Maximinian there was the Theban Legion consisting of 6666. who yet did not resist him: and that the greatest part of the army, under Julian the Apostate, was Christian, appears by their general outcry at the reception of Jovinian, nos sumus Christiani, yet did they never oppose him with force.]*

To which we answer.

1. Though this Surveyer would appear to be a man of a very meek and Christian disposition, and cryeth out of such as are not of his opinion, as men of the fiery iron ge; yet, though we will not take upon us to judge his heart, any may see part of his scope and intention, in mentioning his argument, to be this, That we may be reasoned into a perfect stupidity and insensibility, and the King encouraged to contrive and prosecute an Eleventh persecution, on all who professe the Name of *Iesus*, in his three dominions: For what end else doth he adduce the example of the primitive Christians, who would not resist the Emperours their bloody Emissaries, sent out to put into execution their cruel, inhumane and barbarous Edicts, and to fulfil their lust and desire, to extinguish the very Name of Christians; but to sing us a sleep, so that if the King will, he may command his bloody and cruel Emissaries, to make a massacre on all that will not bjure Christ and his interest, and cut all their throats in a few dayes, without the least fear of opposition? If this be not his designe, let him tell me, what he would have Christians doing, in case such a thing as this should be? Would he have them resisting, or only holding up their



throats to the bloody executioners? If he would not have any resistance made, even in this case, then we see what his principles drive at, and many may judge what a cruel bloody heart he must have. If in this case he would allow a resistance, where is the force of his argument then? To what purpose is their example adduced? and what becometh of his insolent exclamations. *O silly, foolish, and feminine Christians then! and o illuminated, masculine and martial Spirits of Christians now!*

2. He may remember what he tells us, when he is speaking to the instances of resistance adduced out of Scripture, *Pag. 67. That every example recorded in Scripture is not imitable*: And may not we say here, That every example recorded in Church History (far more fallible then Scripture, and far lesse to be regarded, seing what things are recorded in Scripture, are written for our instruction) is not imitable. So that reduce this argument into forme, it will quickly vanish; for it must stand upon this medium. That what ever the primitive Christians did, layeth a binding obligation upon us; But this is false, as we shall undenyably evince; and where is then the force of the argument? Though it appear plausible and taking, yet when pressed it doth evaporat.

3. If their practice be a binding precedent in this matter; so must it be in all other things: and particularly it must be unlawful for us now to resist in our owne defence, a rascal multitude, assaulting us with stones in the open streets, against all law and equity; for *Tertullian* in the same place tells us, that they would not resist the *Inimicum vulgus* the common people, who was maliciously set against them, and did invade them with stones and fire, *suo jure* with out any kinde of law or judicial procedoure: Yea *Tertullian* puts no difference betwixt the *Emperours* and meane persons, in poynt of resistance; Saying, *Idem sumus Imperatoribus, qui & vicinis nostris, malè enim velle, malè facere, malè dicere, malè cogitare de quocumque ex aquo vocamur. Quodcumque non licet in Imperatorem, id nec in quenquam*, we may do no more, whether in word, thought, or deed against any whatsoever, then against the Empe-  
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our. But who will say that in this, their practice or judgment is to us a binding precedent? 2. Several of these Fathers thought it unlawful to kill in their owne defence. See *Ambrosius de Offic. Lib. 3. cap. 4.* and *Augustin* also *Epistola ad publicolam*, 154. and *Lib. 1. de Libero Arbitr. cap. 5.* And yet this cannot now be maintained as a truth; See the contrare proved by *Rivet. in 6. Prac. oper. Tom. 1. Pag. 1391.* 3. Private Christians, not only refused to resist violence with violence, but they refused also to flee from the fury of persecuters, when they might safely have done it, *Potimus* (sayes *Tertullian* in *Apolog.*) *Et inermes nec rebelles, sed tantummodo discordes solius divorcii invidia adversus vos dimicasse, &c.* That is, naked as they were, they might have removed themselves to some other part of the world, and they would not. Yea *Tertullian* did condemne flight in time of persecution, in his Book *De fuga in persecutione*. But will any condemne this practice now, or think it unlawful, or unbeseeming Christians to flee from the fury of enraged persecuters? Sure this *Survoyer* doth often grant it to be lawful. It seemeth then that either he hath caught some error in his head, that is not Christian (as he speaks of us, *Pag. 39.*) or all which the primitive Christians maintained in opinion and practice, was not so Christian as to be perpetually obligeing. 4. The primitive Christians ran to martyrdom, when neither cited, nor accused, as is seen in *Fox* his *Acts and Monum. Vol. 1.* Will any say that Every Christian is bound and obliged to do so now? How then shall their meer example be obligeing in the other practice? 5. The primitive Christians would not bow their knees upon the Sabbath Dayes nor eat blood. Must that example of theirs perpetually oblige us now? 6. Yea it was the opinion of *Ambrose, Lib. 5. Oras. in Auxentium*, that no armes should be used by him against the *Goths* who then invaded *Italy*, to waste and destroy the same, but teares: will it hence follow, That a Church-man may defend himself against open invading enemies, no other way now, but by teares; because he said, *Aliter nec debet, nec possum resistere?*

4. The Anabaptists make use of this example of the primitive Christians to disprove the lawfulness of warr, as may be seen in *Gerhard* upon that head: and would this *Surveyer* have us yet more *Anabaptists*, then he (wickedly and falsely) alledgeth we are, in his bitter preface? It seemes he would joyne hands vvith the *Anabaptists* as to this, and upon that account vve have as good ground to call him an Anabaptist, as he hath to call us, *Iam sumus ergo pares*,

5. He cannot shew us, that these Fathers did account it unlawfull, simply in poynt of conscience, to resist Emperours vvickedly persecuting: They hold forth no scriptural ground condemning the same, but rather seeme to say that it was out of a desire of Martyrdome, which (as *Sulpitius Severus* sayeth) they sought for more earnestly, then in his dayes men gaped for Bishopricks; & therefore they willingly yeelded up their lives and all, to the cruel rage of persecuters, that they might obtaine the crowne of Martyrdome. It is true, *Tertullian* sayes, *Apud istam disciplinam magis occidi licet quam occidere*. But this sayes not that it is simply sinful to kill in self-defence: but that they choosed rather to be killed or martyred.

6. Though we shall not goe about to call in question the truth of *Tertullian's* narration concerning the number & power of Christians in his time (and yet *Mr Goodwin* in his *Antiscavaliensisme* maketh it very probable that he vvvas mistaken in his computation, if he did meane it through the vvhole Empire. Or that if it vvvas so, it vvvas not known to the Christians, and so it vvvas all one, as to resisting upon that ground.) Yet vve may say, That there might have been many things, vvwhich in prudence might have made them to forbear to goe to an open vvar, or rise in armes against the Emperours, even this, that the Emperours alvvayes had a great militia, many and strong armies on foot, against vvwhich, for naked persons (though many) scattered up and dovvn the Empire, having fevv or none to command or lead them forth to battel in their defence, to rise in this case, had been no probable meane of safety to themselves, or of defence; but rather a meane to provoke the Tyrant more, and procure unto themselves



elves more suddaine death and destruction. So that notwithstanding of their number, their capacity to effectuat such an enterprise, vvas but small and very improbable.

7. The ancient Christians vv ere not so utterly ignorant, nor so void of humanity and Christian love and Zeal, that being able to help, they vvould suffer their brethren to be drayvne to death; what ever this *Surveyer* sayeth: but sometimes they rescued the oppressed out of the hands of the oppressours: For vve read that about the year 235. certane men inhabiteing *Marëota* vvith force rescued *Dionisius* of *Alexandria* out of the hands of such as were carrying him away. So about the year 342. the good People of *Alexandria* did vvith force, defend *Athanasius*. About the year 387. the People of *Casaria* did defend *Basil*: See *Nazianz. Orat. 20.* And also the People of *Samosata* purposed to retaine their Bishop *Eusebius Pius* banished at the command of *Valens* the Empeour, had not *Eusebius* himself restrained them. And about the year 356. the People of *Constantinople* did in like manner stand to the defence of *Paulus*: see for this *Blondel's Scholia in Isor. de Imp. Sum. Pot. Pag. 65.*

8. Before *Constantin's* dayes, none of the Emperours owned or professed the Christian faith, so that religion was not then established by lawes, as our Religion is: and therefore all that *Tertullian* or *Cyprian* say, cometh not home to our case: Yea *Tertullian* sayeth they were but a number of strangers, *exters sumus*, sayes he, *Et vestra omnia implemus.*

9. Though it is true that when *Constantine* obtained the Empire, Christian Religion was more secured and established then formerly, yet did not the succeeding Emperours when they came to the throne, sweare to maintaine the same, and all who owned it; they did not receive the imperial crowne on these tearmes; nor were the subjects bound unto them on these conditions; and so the instances adduced after *Constantin's* dayes, sute not our case, wherein Religion become not only a legal right of the People, but a fundamental right, and the maine clause and condition of the compact

compact betwixt Magistrate and Subject, as hath been said.

10. As for the Christians not resisting the *Arrian* Emperours, it speaks nothing: For, that controversy was long under debate, even in Constantin's dayes, and decreased nothing, for all the sentence of the *Nicene* Council, which passed against it; and hereby Bishop was against Bishop, Province against Province, Council against Council, and at length all the world almost was turned *Arrian*. What wonder then that there was no general opposition made against these *Arrian* Emperours, when their Subjects imbraced the same delusion? And as for particular oppositions, we shall see some instances afterward.

11. As for the *Theban Legion*, their non-resistance speaks nothing to our case, for then Religion was not settled by law. 2. For six thousand, six hundred, sixty six men to interprise a warre against the Emperour and all his army, had neither been an act of prudence nor policy. 3. When he tells us that they offered themselves willingly to be butchered, holding up their naked bodies to the Emperour's bloody emissaries, we see what he would have all the honest People of Scotland doing this day, even going with ropes about their necks, and with open breasts, to the Kings bloody Emissaries, that they may murder them all. O But this man must have a blood-thirsty heart!

12. That all or the most part of *Julian's* army was Christian is but supposed not proved; It was but a small part that being deceived by him under colour of a largesse, threw some frankincense into a fire secretly kindled in honour of an idol, and finding the deceit arose from the feast prepared for them, and ran thorow the market place, and cryed *we are Christians*, &c. and called upon the Emperour to kil and behead them, till he was enraged and banished them. And as for that proof of it, that he adduceth, it is a *non-sequitur*: for it was the souledeours affection to *Iovinian*, and earnest desire to have him Emperour, after *Julian's* death, that made them cry out *we are Christians*, when he was refusing to accept of the imperial

erial dignity (for they compelled him, sayeth *Socrates Lib. 2. ap. 19.*) and for this cause to dissuade them from putting that honour on him, Or because of his owne unwillingnesse to command over *Julian's* army, which was Prophaned with crileges, as *Ruffinus* sayeth in his history *Lib. 11: Cap. 1.* He told them he was a Christian, and that he would not take in him the command of Heathens. See *Historia tripartita Lib. 7. Cap. 1.* and so supposed them to be all heathens: and therefore the sense of their speech was only this: Since we are a Christian we will be all Christians also, take you the imperial throne notwithstanding of that. Moreover, though the souldiers in *Julian's* army should have scrupled at making resistance against their Emperour and General, unto whom they were sworne as souldiers, it speaketh little to the point; for subjects are not so under their Soveraignes, as souldiers are under their Commanders and Generalls, they are under the General's pay, and so his servants, and are hired for his behoove, but the King doth not hire Subjects, nor are they his servants and under his pay, and he stands otherwise obliged unto them, then the Emperour did to his souldiers: finally *Nazianzen* in his Orat. 2. in *Julianum* seemeth to say that the reason why *Julian* the Apostate was not opposed, was, because they were not able: For, sayes he, *Nos autem quibus nulla alia arma, nec presidia, praefer spem in Deum reliqua erant, utpote omni humano subsidio prorsus destituti & spoliati, quem tandem alium aut precum auditorem, aut iniuricorum depulsores habituri eramus quam Deum Iacob, &c. i. e.* what could we do, but betake ourselves to the God of *Jaab*, since we had no other armes, nor walls, nor strengthes, being destitute and spoiled of all humane help: Sure this will not say much against us, nor for our Surveyer. Yea he hinteth in his first oration in *Julianum*, That for fear of resistance & of rolling his end, the Apostate *Julian* would not make open war the first upon the Christians. [*Nos enim* (sayes he) *si vis inferatur, citiores obstinatoresque futuros, ac Tyrannidi obnixum pietatis Tutela studium, obiecturos cogitavimus: solent enim fortes & generosi animi, qui vim asserere parat consumaciter obsistere, non secus ac flamma, quae a vento excitatur quo vehementius insuflatur, eò vehementius accenditur.*



*ditur.*] i.e. [If he had used violence, he knew he had found us more peremptory and refractory, and ready to have opposed to his tyranny a fixed purpose and endeavour to preserve our Religion; for stout and generous spirits use to resist with greater violence such as violently assault them, as a fire blown at by winde, the more the winde beat upon it, the more it burneth.] Which shewes clearly that that Apostate had used force at first, he had met with opposition; and therefore he thought it fittest by policy to weaken them, disarme them, and subdue them, and then fall on them with force, and persecute them.

13 If we shall adduce some instances of the primitive Christians defending themselves and their Religion by force, against the Emperours Emissaries, whither will our Surveyer then send his soul? while he looked upon them as altogether free of any such charge, he cryed out *Balaam-like anima mea sit cum animabus veterum Christianorum* but ere it come there, he must repent of what he hath done and said: But if their practice was suteable to ours, what will he then do with his soul? for he yvill not have it with the late Christians, nor can he now have it with the old Christians, and so it must goe to a distinct place; and so it will, if he repent not. But to our purpose. 1. *Blondel*, in the forcited place, tels us, that about the year 310. The *Armenians* waged warre against *Maximius*, who was come against them with an army, because of their Religion, and defate him. 2. *Socrates* in his *Ecclesiastick history lib. 2. c. 30*, (after the English translation) tels us [„ That by the command of the Emperour, and cruelty „ of *Macedonius*, it was proclaimed that the Churches of such „ as imbraced the creed, containing the clause of *one substance*, „ should be thrown down even to the foundations, ——— as „ soon as the commissioners for suppressing the churches had „ given the onset, immediatly a great number of *Novatians*, „ and diverse others, which maintained the doctrine of *one „ substance* pulled downe that Church, removed it to another „ place, and there erected it againe ——— againe *Macedo- „ nius* (like the prelate of Galloway) understanding that „ there were many both at *Paphlagonia*, and at *Maninium* of „ the Novation opinion which could by no meanes be com-



modiously removed by Ecclesiastical authority, procured that foure bands of souldiers at the Emperours commandement should be sent to *Paphlagonia*, to the end the inhabitants might be terrified, and thereby brought to imbrace the Arian hæresie. But such as inhabited *Mantinium* being kindled with an earnest Zeal towards Christian Religion, went against the souldiers vwith chearful mindes, and valient courage, after they had mustered together a great hoast, they all marched forward to battel, some had taken in their hand long hedging bils, some had axes, some other met by chance with rusty armour; when they joyned together, and came to handgripping, many of the *Paphlagonians* were beaten downe, the souldiers (few only excepted) vvere slaine every one.] Moreover he tels us in the same place, when this *Macedonius* was about to destroy the temple in which *Constantine* lay buryed, and had a purpose to translate the Emperours bones, the people vwithstood his interprize, and vwhen he got the bones carryed into the Church vwhere *Acacius* the Martyr was buryed, the multitude of the contrary sideran thither in haste; and this occasioned a very great slaughter, so that the Church, & the porch, unto the street, was runing with blood, & full of dead bodyes: & for this *Macedonius* gotte little thanks of the Emperour. 3. in *Historia tripartita Lib. 11. c. 15.* It is told us, How the Christians oppressed by *Barabanes* or *Baratanes* King of *Persia*, did flee to the *Romans* to seek their help; upon which and some other causes a war arose betwixt the *Romans* and the said King. It is true they made not head against the King while they remained in his countrey, because they were not able; otherwise they had not run to the *Romans* for help. Our *Surveyer* cannot deny that they sought the Emperour's help, but he sayes, *This will not necessarily Import that they stirred them up to invade their King in their behalf, but that having come to them, they might have the help and benefite of their protection.* But vvwhether they stirred up the Emperour or not, is not much to the matter, seing they came as suppliants and (as *Socrat.* sayes *Lib. 7. Cap. 18.*) craved that they vvould pity their case, and not suffer them to be so oppressed; and the Emperour made this one cause  
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of the vvar, vvhich he undertook against him ; and vvas one of the causes ( as the historie tells us ) that made the *Romans* angry with them: and vvhen the Persian King demanded back his fugitives , it vvvas answered, they vvould not do that, yea and that not only they vvould endeavour to set the suppliant at freedome, and deliver them from their oppressours ; but also that they vvould undergoe any thing for the good of the Christian Religion and ( as *Socrat* sayeth *lib. 7. c. 18.* ) they purposed not only to aide them, but also with all might possible, generally to maintaine the quarrel in the behalf of Christian Religion. Againe our *Surveyer* tells us, that the *Persian Kings* had once submitted to the *Romans*. Which whether true or false , is not mentioned in all this history, either as the ground moving the oppressed Christians to flee to the Emperour *Theodosius* for help , or moving *Theodosius* to wage vvarre against them. And so by this example of theirs , we see that oppressed subjects may run and seek releef from strangers , when they cannot help themselves. Thus we see this *Surveyer's* argument is many wayes weak, and against himself. Moreover, 4. When *Athanasius* was forced to flee out of *Alexandria*, and *Gregorius* was brought thither with armed souldiers , and put in possession of the Church, the Citizens of *Alexandria*, notwithstanding of *Syrianus* the captane under the Emperour his being there with five thousand armed men, were so displeased with what was done , that they set *St. Denis* Church on fire See *Socrat. Hist. Eccles, Lib. 2. Cap. 8. Or, cap. 11.* after the greek copy. 5. When the honest People at *Constantinople* had chosen *Paulus* to be their Bishop after the death of *Eusebius*, the Emperour *Constantius* sent *Hermogenes* the captane to thrust *Paulus* out of the Church , and when he came to execute his commission with force , the People prepared themselves to aide their Bishop, forced the house where *Hermogenes* was , and pulled him out by the eares and killed him : See *Socrat. Lib. 2. Cap. 10.* 6. When *Paulus* was againe placed in *Constantinople*, the Emperour sends *Philip* the president to remove him , and to appoynt *Macedonius* the Arian, in his stead. But *Philip* was so affrayed of the People that he went straight unto the publick bath called *Zenxippus*,  
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and sends for *Paulus*, and being in fear of the multitude, who being suspicious flocked thither, conveyes him secretly out a back window: Then he and *Macedonius* went unto the Church, and were guarded all alongs by souldiers with naked swords, and when they came to the door, the throng was such that they could not enter, till there were some thousands Killed. If *Philp* the Emperours Lievtenant had not been afraid of the People; he had not done as he did. So for fear of the People the Lieutenant of *Valens* the Emperour durst not execute these fowrscore priests, who had come to supplicate the Emperour in name of all the rest in *Nicomedia*, and were commanded to be killed by the Emperour; See *Socrat. Lib. 4. Cap. 13.* all which sayes it was no rare thing for People to resist even with force the Emperours Emisseries sent to execute his unjust decrees. 7. *Socrates* tells us *Hist. Eccles. Lib. 7. Cap. 14.* how divers Monks inhabiting mont *Nitria*, espoused *Cyril's* quarrel, and coming to *Alexandria* assaulted the Lieutenant in his Chariot with stones, so that his guaird was forced to flee away. 8. About the year 404. when the Emperour had banished *Chrysostome*, the People flocked together about the palace, so that the Emperour was necessitated to call him back againe from his exile; See *Hist. Tripart. Lib. 10. Cap. 13.* 9. When *Ambrose* was banished by *Valentinian* the Emperour, at the instigation of his Mother *Iuliana*, the People did resist such as came to carry him away, such was their Zeal for the truth, and love to their injured Bishop: see *Hist. Tripart. Lib. 9. Cap. 20.* and they would rather lose their lives, as suffer their pastor to be taken away by the souldiers, that were sent to pull him out of the Church, and thrust him away by force. See *Ruffin's Histor. Lib. 11. c. 15.*

Now let the *Surveyer* tels us what he thinks of their practice? And if he think their practice any other commentary to *Tom. 13.* then our glosses; and if it be any thing different from our practice, in these diegs of time, as he loveth to speak?

We proceed now unto his Reasons, which are but the same things we have heard formerly. The summe of  
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the first is this. [*That doctrine cannot be of God, which to the eye of sound reason, doth unavoidably (if practised) overthrow God's order for setting Societies, and open a gap to perpetual seditions against Magistrates, -- and will please wicked malefactors well, being a proclamation to them, when condemned, to violent the Magistrate -- for the matter is referred to each particular person to judge of his owne suffering, and his discrete judgement must determine him to resist.*]

*Answ.* Here is a heap of words, but no sinewes of an argument, This man is good at catching poor simple ones that cannot discern his fallacies: But such as are wise will smile at his confidence in reasoning after this manner: For. 1. His doctrine, not ours, overthroweth God's order: It is God's order that Commonwealths be preserved from ruine and destruction; that Magistrates should lay out themselves, and all their power for the good of the Realme over which they are; for as *Cicero* sayeth *eo referenda sunt omnia iis qui praesunt aliis, ut si qui erunt eorum in imperio sint quam beatissimi*, and elsewhere *ut gubernatori cursus secundus, medico salus, imperatori victoria, sic moderatori Republica beata Civium vita proposita est.* But by his doctrine, if the Sovereigne will (and how mutable and inclineable to tyranny the will of Princes is, all ages hath witnessed) The Commonwealth is remedilessly gone; if he will destroy the same, there is no help; if he turne Tyrant (and one wretched Counsellor may in a short time by assie a Prince, that is not otherwise wel balasted, to this) ruine is unavoydable. But by our doctrine, there is a remedy to preserve the commonwealth from ruine; & more regaird is to be had to this, which is the end, then to the Prince who as such, is but a medium to this end. 2. Such as plead for the good of humane Societies, should as much labour to prevent the utter overturning of the same, as to prevent seditions: Good phisitions will labour more carefully to prevent death, then to prevent a little dislemper or sicknesse; yea and will cause a dislemper to prevent destruction: but this monte-bank, if he procure with his prescriptions present ease, careth not though the patient die the next day. But 3. How doth our doctrine open a perpetual gap to seditions? Because (sayes he) by our way every private person is made judge not only of his owne actions, but of his sufferings, and he

must suffer no more then he thinks meet. But 1. would he have all the Subjects becoming more senselesse and stupide then beasts? Would he have them casting away their soul & judgment; that they should have no more use of their reason, to judge what either is commanded or imposed by penalty? If he grant a judgement of discretion in actings, how will he save the Magistrat's credite and honour, and prevent rebellion and sedition, if there be such a necessary connexion bewixt the exercise of this judgement and the consequent he dreameth of? For disobedience is a resistance, as well as non-submission to the punishment. 2. Though we allow to every one a judgement of discretion, yet we allow no man's judgement to be the rule of his walking: We say not that an erring judgment is a rule to walk by, and therefore we say that a subject is bound to obey the Magistrates lawfull commands, though he in his private judgement should account them sinful; so we say he is bound to submit to punishment, which is just and justly inflicted, though he judge otherways: Yea we grant further, he is bound to submit to unjust sentences patiently, when he cannot by faire and possible meanes shun them. Yea moreover we grant that in matters of smaller moment, he may lawfully beare with the losse of a little to redeeme more, or save more from hazard. But our question is, if the Body of a land or a considerable part thereof, ought stupidly to submit to the losse of Life, Lands, Libertyes and Religion when not only they judge these to be a hazard; but when all who have eyes in their head see it. & it is undeniable, being written on all the Acts & actings of these in power, & palpably & too too sensibly felt by all such as desire to keep a good conscience, & to be kept free from the raging wickednesse & apostasy of this generation. 4. Though I know few malefactors, who, when attached, arraigned & condemned, would not do what they could to deliver themselves from death, though this question had never been started; yet our doctrine will not warrand such to do violence to the Magistrate: For we judge it not enough that they say they are innocent and deserve no punishment. Our case is a case that manifest and notour, and a publick injury avowed and main-



tained: And will he think that because a Malefactor justly condemned to die, may not resist the Magistrate executing his office, Therefore a Land may not defend themselves, against the Kings Emissaries sent out to execute unjust sentences, tending to the ruine and destruction of Religion and Liberties?

His 2. Reason *Pag. 44.* is in summe this [*That by this way Magistrates in doing their duty cannot be secured: for it is not enough to say, let Magistrates rule rightly, and not oppresse, because that in the holy permissive providence of God, oft the best princes are not best used — some crossing of the will of a froward, and furious party, may move them to fancy ther Prince a Tyrant, and thereupon account themselves free to offer violence: And from resistance they will goe to revenge (the fury of evil consciences instigating them) -- in histories it will be found, that hardly did ever people resist a prince, but in end it came to revenge; and oftimes the best princes have been worst used, at least as evil as the naughtiest, as may be seen among the Roman Emperours, and Christian Emperours and Kings: and amongst our own Kings &c.*] *Ans.* Lend us this argument, and we shall see what to make of it. By his doctrine people can never be secured from unjust violence, or from continual oppression and slavery; for it is in vaine to say, let them do that which is right, and Magistrates will do their duty, for albeit it be true that faithful and honest subjects, may in the way of their duty, expect from God that he will incline the hearts of Magistrates to respect and encourage them; yet in the holy permissive providence of God, it comes often to passe that the best people are not best used by their princes: And this all histories both ancient and moderne abundantly demonstrate. This court divine is all for the securing of the Prince in all his tyrannies & oppressions; and speaks nothing for guarding the saifty of the people, which is the end, for which Magistrates were appoynted: And this is to pervert the order of nature, so to secure the meane as to destroy the end: For that is to make the meane the end, and no more the meane. 2. We justify not such Subjects as are unruly & seditious against good Magistrates doing their duty; nor do we plead for Subjects rising up in armes against their Magistrates

strates, for every small injury, or when they deviate in a little from the right way: Let him grant to us, That subjects may oppose their Magistrates, and resist unjust violence with violence, when, in stead of being Magistrates they become wolves and Tygers; and in stead of being pastors of the people, they become lyons seeking to destroy and devour them; and when they overturn the ends, for which they were appoynted, and destroy the liberties of the Subject, & overturn the Religion, which they were obliged & sworne to defend, in their place and according to their power, and we desire no more. 3. If any under pretext of repelling of violence, shall unjustly injure the Magistrate, we approve not such, we justify them not, let them answer for that themselves. This is nothing to our question: if he say that our doctrine openeth a gap to this, He is mistaken, for such as say that the sinful and unjust commands of Magistrates should not be obeyed, do not open a gap to all disobedience, even in the most just commands. And since he will grant that unjust commands ought not to be obeyed, let him close the door here, so that from this there shall be no hazard of mocking the Magistrate, when commanding just and necessary duties; And with the same engyne shall we close the door, so that when we say that Magistrates destroying Religion, Libertyes and what is dear to Subjects, may be resisted, we shall secure the Magistrate from violence and opposition, when he keepeth within his sphere, and doth his duty. 4. If the matter passe from resistance to revenge, we approve it not; if the pride and haughtinesse of the spirit of Princes be the cause of this, let them see to it, and labour to prevent it, by condescending to the just & equitable demands of their oppressed and grieved subjects. 5. We do not deny but God may stir up an *Absolome* and other conspirators against a Gracious *David*, for his owne holy ends. But, in ordinary providence it is to be seen, that good Princes, while alive and when dead, have had more respect of their Subjects; then others, who have been most flagitious and wicked: The books of the *Kings* & *Chronicles* demonstrate this. That good Kings have been much honoured and reverenced while living, and

much lamented vwhen dead ; and upon the contrare, vicked King's have either been cut off, or when dead have not been desired, nor burned with the burnings of their fathers, nor buryed in the sepulchre of their fathers, whatever forced submission & outward respect they might have had while living.

6. As for the difference that God in his providence hath put betwixt Heathenish and Christian Kinges see what *Evagrius* sayeth *Eccles. hister. cap. 41.* speaking against *Zosimus*, he hath these words worth the marking. [*Let us see if thou wilt, how the Emperours which were Hethnickes and Panimes maintainers of Idolatry and paganisme, and how on the contrary, such as cleaved unto the Christian faith, ended their reigne: was not Cajus Julius Cæsar the first Emperour, slaine by a conspiracy? did not certane souldiers with naked swords dispatch Cajus the nephew of Tiberius? was not Nero murdered by one of his familiar and dear friends? Had not Galba the like end, Otho & Vitellus, who all three reigned only Sixteen monerhs? what shall I speak of Titus whom Domitianus poisoned, although he was his owne brother? what sayest thou of Commodus? — what shall I say of Marcinus? did not the souldiers use him like a captive, about Byzantium, and cruelly put him to death? — what shall I say of Maximinus whom his owne army dispatched -- were not Gallus, and Volusianus murdered by their owne army? had not Æmilianus the like miserable end -- But since Constantine began to reigne - was there any one Emperour in that city (Julian a man of thine own Religion - only excepted) that was murdered by his owne subjects?]* It were an endlesse work to run thorow histories, and show, how for the most part, (contrare to what he sayes) these Kings who have been resisted by their Subjects, whether in the time of Heathenisme, or since Christianity was professed, have been most flagitious and wicked? Sure, if we should goe no further but to our owne history, we shall finde this put beyond all question, the *Surveyer* himself being witnesse, who sayes *Pag. 78.* that the instances of opposition made unto the Scottish Kings adduced by the *Apolog.* were but [the insurrection of Nobles against the Kings, and violent oppressions of such of them, as have been flagitious and tyrannous.] And thus he contradicteth, what he just now said. But to what purpose is all this stir?

He



He sayes, but can he prove, that we assert, That any party of the people, when strong enough, may get up against the King and all Magistrates, when they judge that they deal wrongously and injuriously with them? Sure the thing which we affirme is far contrary to this, as hath been often times shewed. We know that [„ the evil wit of a seditious „ party can soon paint the Best King as a black and ugly Ty- „ rant] and vve know also, that the evil wit of a hired court-parasite, and base flatterer can paint out the blackest *Nero*, or *Caligula*, or a *Helio-gabalus*, as a brave and vertuous prince. And this is nothing to our case, when the acts of Tyranny and oppression, are as legible, as if written with the sun-beames: It behoved to be strange virnilion that would serve to make the apostasy, perjury, oppression and tyranny of the now Prince and Rulers, appear vvhit and comely; and he needs no great vvitt vvho vvould painte out these grosse acts under the forme of ugly Tyranny: Yet vvith all vveshall vvillingly grant to him, that, „ [ All the fearers of God should rather „ indure some acts of real tyranny, then by doctrine or practi- „ ces of resistance, open a door to the destruction of good „ Kings (by a party not of their spirit, but lurking under their „ pretences ) and to the continual dissolution, concussion, „ and desolation of humane societies] for this is not the thing vve are against: Some acts of Tyranny vve are vvilling to endure, provideing he vvill grant us liberty both to teach & practise resistance, vvhen the acts of tyranny are not one or two, but many; nor acts of Tyranny in sinaller and lesse considerable matters; but such as tend to the destruction of the true Libertyes of the Subject, to the overturning of a Covenantted vvork of Reformation, svvorne-to by all ranks and degrees of people; hovvbeit men of corrupt principles, and of another spirit, should lurk under these pretences. Is it not reasonable, that vve also demand of this *Surveyer* vvhile he is in a good mood, That he vvould evidence so much fear of God, as not to condemne resistance unto real tyranny, so as to open a gap to all the ingrained & bloody *Nerves* and such prodigious Canibales, to vvashte & destroy at pleasure the best of Subjects. What followeth concerning obedience active

2nd Subjection passive, hath been spoken to formerly, and it is needlesse to fill up pages vvith repetitions, as he doth only vvhereas he citeth *Apolog. Pag. 376, & 377.* granting that subjection is necessary, and supposeth that this is repugnant to vvhat *Naphthali* sayeth, He vvould knowv that he is in a great mistake, for the question there is concerning obedience in things indifferent, or of submitting to the penalty, and that by a few privat persones; and though in this case a single person, who will not obey the Magistrate in these matters, must yeeld the penalty, and so acknowledge his subjection, it will not follow that a multitude or a Community, forced under intolerable penalties to acts of impiety and hainous transgression, and who can defend their rights and just privileges palpably and iniquously violated, may not repel such unjust force with force; & resist intolerable tyranny, abusing the ordinance of God to all acts of wickednesse, and to the overturning & destroying the very ends of government? And to this *Naphthali* speaketh *Pag. 28.* So that he but gives vent to his profane Spirit, to cry out, as he doth *Pag. 46.* and say [„*Good God! to what times are we reserved? to see so*  
 „certane truths, that may be reckoned among the immo-  
 „veables of Religion, and the ancient land marks removed,  
 „by an upstart furious Crue, who by their new principles  
 „(as false as new) seek to confound both Church and State?  
 „The lawfulnessse of privat men's counter acting, and violent  
 „resistence to a whole Church & a whole State, is a maine ar-  
 „ticle of their new faith, & to do so is one of their new com-  
 „mands added to God's.] For 1. It never was a certane truth,  
 nor ever was reckoned among the immovables of Religion  
 (except by Court divines, & base flattering Sycophants, whose  
 maine and only Religion was and is, to please the King, that  
 he might fill their bellies) that absolute and illimited sub-  
 jection was due to Princes by the whole body of the People,  
 so that if he should send out Emissaries, like so many wild  
 Beares, to kill Man, Wife, and Children, Without  
 colour and pretence of Law or reason, People should do  
 nothing but cast open their breasts, and hold up their throats,  
 that they may be devoured at once: what sound Divine sayeth

so : What sound Divine putteth this brutish subjection among the ancient land marks ? Yea what sober Royalist ( that is not with this *Surveyer* intoxicate with Royal gifts, till his braines be crack't, and his rationality brutified ) dar positively averre that this is to be put among the immoveables of Religion ? 2. This principle which he calleth new, and as false as new, is an old truth verified by the practises of all ages, and is as true as old ; which he might easily see, if his new dignities and gifts had not blinded his eyes, and made him as false and perfidious, as he is notour. 3. He tells that our principle tends to confound both Church and State, because we plead against Tyranny either in Church or State ; a pretty reason : Because we plead for that, which tendeth to the preservation of Church and State, in being and purity ; therefore we plead for confounding Church and State ; whereas his principle of Tyranny, in Church and State, is the readiest way imaginable to destroy both, as hath been seen by many sad and dreadful examples, before our dayes. 4. This man who hath perfidiously renounced his Covenant with God, and avowed his perjury to all the World, and his palpable breach of, and casting behind his heels the third command, talks of our adding new articles to our faith, and a new command to God's ; because we will not deny the principles of nature, nor grant that free-born subjects are slaves or brutes : And with him, Tyranny is the ancient Land-mark, and the chief poynt of his Religion, and a maine article of his faith, and one of the grand commands of the time. But many know at whose girdle his faith and his Religion hangs : But we will choose none of his Religion, principles, articles of faith, or commands ; For they change with the Court : and we know Court Divinity is a coat of many colours, faire and fashionable, but such as will neither keep from cold, nor cover our nakednesse, far lesse save from God's wrath in the day of accounts.



## CAP. XV.

Some other Particulars, alledged by  
the *Surveyer*, against us, examined.

**H**AVING in the two preceeding Chapters answered his  
maine & Cardinal Arguments, our labour will not be  
great in confuteing what followeth.

He sayes *Pag. 22.* We shake hands with many Papists,  
asserting that any person, unjustly pursued by Magistrates,  
may defend himself by armes, and slay them if he cannot  
otherwise escape, no lesse then Robbers or cut-throats.  
Thus *Becan. Tom. 2. contr. Tract. 3. quest. 8. & Swarez. contra*  
*Reg. Angl. Lib. 6. cap. 4. §. 6.* So *Aquim. 2. 2. qu. 70. Art. 4. c.*  
To which we answer 1. That the question, which these Pa-  
pists speak to, is different from ours: We speak not con-  
cerning vvhhat a privat single person may do vvhhen arraigned  
and unjustly condemned, but concerning what a community  
may do, when unjustly oppressed & persecuted by Magistrats,  
contrare to their trust and oath; 2. We speake not of pri-  
vate persons killing Magistrates at their own hand; but of  
privat persons or a community their defending themselves a-  
gainst unjust violence: And this truth which we maintain, was  
owned and practised before ever any Papist put pen to Paper.

Next he tells us, That *Mr Calvin* is of another judgment,  
*Inst. Lib. 4. cap. 20. §. 26, 31.* To which we answer 1 *Mr*  
*Calvin* is asserting that wicked men may be Magistrates, and  
that such, though wicked, while they are in office, should  
be acknowledged as God's deputies; for, (so sayes he §. 25.)

[*In homine deterrimo honoreque omni indignissimo penes quem modò*  
*sit publica potestas, praeclaram illam & Divinam potestatem residere,*  
*quam Dominus iustitia ac iudicio sui Ministris verbo suo derulit:*  
*proinde à subditis eadem in reverentiâ & dignatione habendum,*  
*quantum ad publicam obedientiam attinet, qua optimum Regem, si*  
*daretur, habituri essent.*] And in the following Sections

sheweth that such ought to be so accounted who are in  
the possession of the Throne, whatever way they have at-  
tained to it, as *Nebuchadnezzar* (who yet was but the hammer  
of

of the earth, *Jerem.* 50: ver. 23.) *Belsazer*, and the rest, of that Kinde, and therefore §. 29. he sayeth [*Hanc reverentia atque adeo pietatis affectum debemus ad extremum profectis nostris omnibus qualescunque tandem sint.*] And would have us §. 31. carefull not to rub contempt upon, or to violent the office, or ordinance of God, even in such; which we easily assent unto: Because that this is not repugnant to a sinlesse self-defence, and resistance made to their open Tyranny, when seeking to destroy Religion, Libertyes, and every thing that is precious and deare unto the Subjects. It is true, some-where his expressions seem to condemne-resistance, but that which we have mentioned is the maine thing he presseth: and he doth not speak to the case of resistance particularly. 2. Though we should grant that in this particular *Calvin* is not ours; yet the *Surveyer* must know that §. 31. he is against him also, for the *Surveyer* putteth Parliaments & all inferiour Magistrates in the same condition with private Subjects; and yet *Calvin* sayeth that such as are as the *Ephors* among the *Lacedemonians*; the *Tribuns* of the people among the *Romans*; and the *Demarchi* among the *Atheniens*; and the Estates of Parliament, may and ought to suppress the Tyranny of Princes: And so in this matter *Calvin* shall be more for us then for him. 3. It would be noted, both in reference to the testimony cited out of *Calvin*, and to the testimonies of others following, That the case which they speak to, is different far from ours: For with us, both King and Subject are bound in a solemne Covenant to God, to maintaine and promote a work of Reformation, and upon these tearmes did our King imbrace the Scepter, and became obliged by conditions unto his People: And sure more may be said for our defending our selves, our Covenant, and our Religion, when unjustly persecuted by the King, then for other privat Subjects, who are (by Gods Providence) under Heathen Princes, or conquerours, or under Princes of a different Religion, and who have no security or immunity covenanted unto them by these Princes.

Then

Then he citeth some passages out of *Peter Martyr's Loc. Comm. Class. 4. Cap. 20. Pag. 680. &c.* To which we answer: 1. The question which he moveth *Pag. 680.* doth not concerne us: For there he sayes that meer privat persones may not depose Kings or Princes, or rise against them for this end, *Ut eos à dignitate, seu gradu suo deturbent.* Now this is not our question, which is concerning necessary self-defence in cases of extreame necessity. 2. He grants it lawfull to inferior Magistrates, who set limites to the Prince, if the Prince violat his compacts, and break his Covenant, to force him to stand to his conditions, *eum in ordinem cogere, ac viredigere, ut conditiones & pacta quæ fuerat pollicitus, compleat, idque vel armis cum aliter fieri non possit.* Our Surveyer will not assent to this which *Martyr* sayeth, notwithstanding he account him one of the most learned of our Protestants. 3. It is true *Pag. 682.* he would have private persones endureing a Tyrant, who commands contrary to equity, and good lawes, and suffer him patiently, as we are to suffer patiently sicknesse. But who seeth not, that notwithstanding of this patient submission, we may use resistance, as we may use resistance, by all lawful meanes, to sicknesse and diseases. 4. Though we should yeeld that such a Tyrant as he describeth should not be resisted, viz. such an one as commandeth *contra æquum bonum ac leges*, yet our case is different: For not only are there such acts of iniquity commanded; but also Subjects are compelled by meer force and cruelty, to consent to, and approve iniquous courses; and our Magistrates are in a singular manner obliged to prosecute the Ends of a sworne Covenant, which the Subjects desire to adhere unto, and for adherence thereunto, are persecuted in a most inhumane and cruel manner. So that this is tyranny of a higher nature, then what *Peter Martyr* speaketh of.

In the next place he citeth *Rivet. in Decal. Pag. 233. and 235.* But we answer. 1. *Rivet* granteth it lawful unto all, *vim vi repellere* to repel force with force, and proveth it. 2. In the place by him cited, he is speaking of a private man's resisting the violence of another, who, if (under pretext of exponeing the law of Nature) should avenge himself, pri-



*utro appetitu vel contumacia*, or raise seditions against the Magistrates, he should but abuse his power and liberty, and this we grant. But our case is of a Community, to which *River* speaketh nothing. Yea 3. in the other place, though he will not have a private person kill his Father or a Magistrate, in his owne defence; yet he granteth it lawful to resist, so far as can be, to hinder our owne destruction [*Id* (sayes he) *nos absolute sentimus de Parente & Principe; quibus licet quidem resistere, quantum id fieri potest, cum invadunt injuste, eo fine ut impediamus perniciem nostram.*] Whence it appeareth that *River* is much for us; for he acknowledgeth it lawful for a private single person to defend himself, as much as is possible, from the unjust assaults of Princes, Much more then shall it be lawful for a community to defend themselves against the King's Emissaries.

After *River* he citeth *D. Ames conf. cas, Lib. 5. cap. 20.* But Doct. *Ames* speaketh nothing against us, for he is summarily holding forth what is the duty of Superiours towards their inferiours, and of inferiours towards their Superiours; and among the duties of inferiours, he reckoneth subjection and obedience, but what calleth he this *subjection*? Doth he meane thereby a stupide and absolute submission to all acts of Tyranny and oppression? No, but such an acknowledgement of their power & authority as hath with it a care to preserve the same unhurt. Now this is consistent with resistance in cases of necessity: A community may defend themselves from unjust violence of Magistrates, and yet attempt nothing against their just power and authority, but labour tenderly to preserve the same. 2. It is true, that he sayeth all violent insurrection is opposite hereunto, and also contempt: But that is violent insurrection against the power and authority, and not against the person who is abusing his power to the ruine and destruction of the Commonwealth; for no body will deny but tyranny, and the Tyrant as such, may be despised and undervalued, without wrong to the power and authority it self. So may that be resisted without violation of the power. 3. It is true he sayeth that subjection may be, where there is not obedience, but wherein sayeth

sayeth he doth this subjection consist? *In submissâ recusatone obedientia, quando illicitum esse constat quod a superiore mandatur; in a submissive refusing to give obedience.* And this is some other thing, then a stupide submission to all acts of Tyranny.

4. This same *Ames Cap. 25.* where he is speaking of Magistrates and Subjects, and shewing the duty of subjects unto them, puts subjection and obedience together §. 16. Wherefore, as hence it cannot follow, because obedience is due unto them, when they command things just and agreeable to God's Law; that therefore obedience is due unto them, when they command things unjust and repugnant to the Law of God: So nor will it follow, that because subjection is due unto them, when their power is not abused to the destruction of the Commonwealth; therefore subjection is due unto them or non-resistance, when they tyrannize over the consciences, states and bodies of their subjects, and labour to overturne all. 5. It is true he sayeth *Cap. 31. §. 10.* that the person invading may be such, and there may be such other circumstances, as that the person invaded may rather choose to die, as to Kill: But that speakes nothing to our case, which is a resisting of the King's bloody emissaries, not by one private person, but by a Community: And since *D. Ames* in the same *Chapt. §. 4. 5. &c.* thinks it lawful for a private person to defend himself even by killing the aggressor, when there is no other remedy, he will abundantly justify our practice. And likewise he alloweth this defence even in the behalf of others §. 9. *Rectè etiam extenditur ad defensionem non tantum nostram, sed & aliorum innocentium: Hoc enim postulat lex, ut proximum diligamus sicut nos ipsos!* And therefore *Amesius* is much for us.

As for the two Papists *Essius* and *Toller* whom he citeth. they speak not against us, who plead for the Liberty of self defence unto a Community against the Magistrate, and not to every private single person; neither plead we for a power of Killing Kings. And if they were against us he could not have much reason to say, that we joynd hands with Papists. Thus are all his authorities from divines answered, let us see what he sayeth further.

He tells us *Pag.* 25. 26. [ That when *Lex Rex* had in several places ( such as *Pag.* 313. 314. 322. 463. ) vented that principle in reference to the civil government, *That no man is bound in conscience to subjection passive under unjust punishments inflicted by the Magistrate, more then to active obedience unto unlawful commands;* and *that passive obedience under unjust sentences comes under no command of God?* Yea that it is a sin against God's command to be passively subject to unjust sentences, and that it is an act of grace and virtue, for a man to resist the Magistrate violently, when he does him wrong: and a self murder against the sixth command, not to resist when he offers to take away the life without cause, though not without law: They were quickly applyed to the Church by this man and his party, who pleaded for non-submission unto, and counteracting of all the judicatories, Whensoever the persones injured thought the sentence wrong ——— and how well their practices in the Church do homologate with their practices as to the State, we may now see; for it is the way which they clearly owne, that every person ( when and so long as they are able, or are in probable capacity, to act violently against the Magistrate ) ought to counter-act him violently, when he thinks the Magistrate wrongs him (for this must be referred to every man's private discrete judgment, as *Naphthali* tells us *Pag.* 141. ) ——— How contrary such principles and practices of privat mens non - submission to, and counteracting of Church Judicatories ( supposed to do wrong ) are unto the Word of God; how subversive of Church government; how introductory of schisme, heresies and all mischiefes into the Church, is well discovered by the learned Reviewer of the pamphlet intituled *presbytery no papacy, &c.* And, with equal reason, may the same grounds be made use of against this man's inciteing all private persons, to counteract the Magistrate violently, when they think he doth them wrong, or when they account their sentences unjust. ]

*Ans.* 1. It is a poor defence of a weak and tottering cause, to follow such courses as this *surveyor* doth. To wrest and wire-draw the sayings of his adversaries, is neither a faire way  
of



of confirming his owne opinion, nor a solid way of confuting his adversaries. He sets downe some sentences here as assertions of *Lex Rex*: And if any vwill consult the places cited, they vwill discover unhandsome dealing. I shall only set downe what *Lex Rex* sayeth, and the Reader, vwhen he compareth, may judge. *Lex Rex* sayeth Pag. 313. [„That „patient bearing of evil and resistance, are not incompatible „in one & the same person] Pag. 314. He sayeth [„one act of „grace and vertue is not contrary to another, Resistance is in „the Children of God, an innocent act of self preservation, „as is patient suffering, and therefore they may well subsist „in one.] And *ibid* [Neither suffering formally as suffering, „and so neither can non-resisting passive fall under any moral „law of God, except in two cases] Pag. 322. [„when a man „may preserve his owne life, and doth not that which Nature's law alloweth him to do, rather to Kill as be Killed, „he is guilty of self murther; because he is deficient in the „duty of lawful self defence.] And Pag. 463 [It is not dishonorable to the Majesty of the Ruler, that we deny passive subjection to him, when he punisheth beside his warrant, more then it is against his Majesty and Honour, that we deny active obedience, when he Commandeth illegally.] I shall not trouble the Reader with words, to discover the difference betwixt what *Lex Rex* sayeth, and what this *Surveyer* alledgeth he did say; seing the judicious and observant Reader will *Sine monitore* easily perceive it.

2. What the *Surveyer* driveth at in making this parallel now, may be obvious to any, even to imbarque with himself and his party, the few of those who were for the Publick Resolutions, that have hitherto gotten grace of the Lord to abide faithful, and not to say a confederacy with all, with whom this Apostate generation hath now basely conspired, against Christ and his interests. But we hope that those few will be so far from intertaining their former prejudices against their faithful and affectionat Brethren, who withstood these Resolutions, and owned the Protestations; that on the contrare, perceiving themselves mistaken as to what they feared, concerning the Protesters, as if they had intended to overturn

all discipline and Church government; and to side with Sectaries; since themselves have novv seen some of them owning the same unto death, and becoming a martyr upon the account of Church privileges, & all the rest (scarcethree or foure excepted) abideing faithful, and suffering upon that account unto this day; and since with all they see the feares of the Protesters, concerning the inclination to Malignancy and Prelacy, of the far greater part of these, who stilly maintained these Resolutions, now verified beyond all contradiction; and that their objecting, that the major part of the Ministry was then corrupted, was too too true, and too well grounded, which things, if these faithful men who now stand, had but suspected then, as now they see with their eyes, they would, (we are confident) have forborne to have sided with them in these debates, and much more heartily have concurred with the honest propofals of the Protesters, for a through way of purging the Church of such corrupt naughty persones, as have now most basely betrayed the interest of Christ, and departed from their profession and Covenant, and made that Church a hissing and a by-word to all nations, by returning with the Sow to the puddle and with the dog to their vomite. These worthy men, I say, perceiving now how far they have been mistaken not to their grief but to their joy (as famous and zealous *Mr Wood* one of their number, did before his sicknesse, after some heavy groans, plainly professe and declare to a credible person, yet on life to verify the same, if any should question it) will be so farr from owning this man and his principles, that they will rather, (we hope) condemne their former practices, if not altogether yet in so far at least, as it is now visible they did tend, to the setting up of an arbitrary government and tyranny in the Church, and are now improved by this *Surveyer* to confirme a Tyranny in the state. Sure they now see, what some at least of these, who were very active and forward to screw up that debate to the hieght, and to presse an absolute subjection, might have been driving at under hand, though they made such faire professions of their firme purpose to adhere to presbyterian government, as

moved others to entrust them with the management of their affaires at Court, and while entrusted therewith, destroyed and overturned the whole government, so that now they will be loath to say as the *Reviewer* did Pag. 5, 6. [*That the innocency of his agency, to prevent the evils the protesters were endeavouring to bring upon this Church, and his carriage and integrity in managing that Trust, are so well known at home and abroad, that we beleeve he needs not write Apologeticks against the slanders of their tongue or pen.*]

And rather blush when they read or remember this: & we are hopeful that such and the like perfidious practices well pondered, will not only contribute much to re-unite them in hearty affection, unto their faithful Brethren now in the same furnace with themselves, for the same cause and interest; but also cause them reflect upon their former proceedings, & consider what a native tendency, that which gave the rise to all that debate, had unto this, which is to day our sin, our shame, and our Sorrow, that they may joyne with the Rest of the faithful of the land, in mourning for such national sinnes, Whereby the wrath of God may be turned away from us, and the Church restored to her former beauty and integrity, in the Lord's good time.

3. It is Manifest, that this *Surveyer*, who ever he be, & some others with him, had some other thoughts in their heads at that time, then they durst expresse; & finding the far greater part of the Ministerie corrupted, would have had the rest resolving upon an absolute submission to all their determinations, though they had been openly & avowedly to introduce prelacy, yea & popery, & to have submitted to their summar censures of deposition, & what else they thought good to inflict, without the least resistance or counteracting, & thus to have patiently submitted, to see Christ & his royall truthes banished out of the land by ecclesiastical acts, & Popery & Prelacy re-established by horrible iniquity: Though we were ever confident, such as now through grace abide stedfast, had no such thoughts or intentions.

4. This *Surveyer* dealeth with all alike: as he misrepresented *Lex Rex* in the civil debate, so doth he now misrepresent the protesters in the Church-debate; for when or when



did they say, That persones were not bound to submit, but to counter-act all the judicatories of the presbyteriall government, whensoever they thought the sentence wrong & unlawfull? Did they ever assert that a mans owne conscience, was the only vvarrand and ground of his submission or non-submission, or of his obedience, or disobedience?

5. So doth he abuse & misrepresent *Naphthali*, as any vwill see who considereth his words in the place cited, which are these: *Now how a discretive judgement in these cases, both of sunrighteous commands, & wicked violence, & specially in the later, which is (by us) the more sensible, doth necessarily remaine with the people, & in what manner the same is to be determined & cautioned, so as neither to license disobedience against authority, nor create seditions in the Commonwealth, is already fully cleared.*] This is some other thing then to say, that al is to be referred to every man's privat discretive judgement, vvithout any caution or limitation added or supposed.

6. Because it is not our purpose to revive that debate which vvas betvvixt the Protesters & the Publick Resolutions; but as vve vvish it had never been heard of, so vve desire it may be buried in perpetual oblivion; & that henceforth there may be a hearty joyning in the cause & covenant of God, for prosecution of all the ends thereof, according to our severall capacities, That so we may become one stick in the hand of the Lord, & renunce this apostacy; & all courses tending thereunto, & so goe on as before that unhappy difference broke out, with zeal, & unanimity. Therefore we shall forbear to examine what that Reviewer, of *Presbyteryno papacy*, said: And though we finde that much of what the *Surveyer* sayeth here, is borrowed from that *Reviewer*, & is answered already, as to our purpose; yet we finde the *Reviewer* grant severall things, which will quite destroy the parallel, as to our case, & shew the *Surveyer* to have been but a fool in mentioning that pamphlet now, or 1. He *Pag. 104.* sayeth [*We do not urge submission, in this matter betwixt us, in matters of doctrine, or articles of faith, in worshipe, government, nay nor rules of discipline.*] And so innuats as much, as that if the *Dogmatick* and *Dialectick* power

of Christ's courts be abused, and corrupt doctrine and practices pressed, he would not be for submission: And therefore upon this ground, waves the arguments of the protesters taken from the instance of *Athanasius* not submitting to the *Arians*, deposing him for asserting the divinity of the Son of God; and the 11. *Arg.* making a supposition of enacting the *Masse*, and all the heresies of *Rome*, saying [ *For when Church judicatories deny homage to the Son of God and returne to Rome. We shall not debate the poynt of non-submission only with them, but shall run from them as from Synagogues of Satan.* ] Upon this same ground he waves the argument 13. which did shew that this submission was prelatical: And the passage of our confession of faith ratified An. 1567. which is thus, art. 12. [ *So far as the Council proveth the determination and commandement that is gi-ereth, by the plaine word of God, so soon do we reverence and embrace the same; but if men under the name of a Council, pretend to forge unto us new articles of our faith, or to make constitutions repugning to the word of God, then utterly we must refuse the same, as the doctrine of devils, which draweth our souls from the voyce of our only God, to follow the doctrines & constitutions of Men.* ] So doth he upon this ground lay by what they said Pag. 49. [ *That by this submission there was no remedy, but that, at one stroke, the precious interests of Christ and truthe of God must be borne downe, and buried in oblivion and the Saints and Ministers of the gospel be buryed under the rubbish thereof.* ] As also their *Arg.* 15. which did shew, that this unlimited submission did [ *Leave the Church destitute of all Ecclesiastical remedies, in the case of a general defection, and open a wide door for making the government of the house of God degenerate into Tyranny, &c.* ] And their 2 *Argum* shewing how contrary it was to Scripture, and how hard it was to say that a man duly qualified, being suspended from the Sacrament, or from the exercise of his Ministry, or excommunicated, because of his pressing and holding forth some precious Truth of God, which a Church judicatory condemneth for a lie should submit: And also their 8. *Arg.* Pag. 108. which was this [ *What is denyed jure to Oecumenick Councils, and lawfully called Prophets and Ministers of the gospel, to Nathan, to David, to Paul, to an Angel from heaven Gal. 1: ver. 18. cannot be warrantable*

warrantably be given to General Assemblies. If — they teach or decree not according to the word of the Lord, we are to counteract, and to contradict Gal. 1: ver. 8. Therefore, &c.] Now in all these cases the *Reviewer* would not plead for submission to Church judicatories: Why then doth this *Surveyer* plead for absolute submission and unlimited to civil powers, since he is pleased to draw a parallel betwixt them? But we see that evil men and seducers waxe worse and worse. So that by the *Reviewer's* concessions, we are not bound to submit vvhhen the higher powvers persecute us for truthes sake, deny homage to the Sone of God, presse the approving of corruptions in the poynt of government, destroy the precious truthes of God, and interests of Christ, make a general defection and Apostasy: And in a vvord, turne Enemies to the liberties of the People, destroy the Covenanted vvork of God, oppress the Subjects in bodyes, States, and Consciences; and so crosse the very ends for vvhich they vv ere appoynted.

2. The *Reviewer* Pag. 109, 110. though he vvould have submission, in the matter of discipline, vvhere the hazard is only personal, and a mans suffering is not *tantis* to disturb a vvell settled national Church, vvhere doctrine and vvorship are in their integrity; yet he thinks the case is of greater moment, vvhen a National Church in her judicatories introduceth false doctrine, and corrupt vvorship, to be imposed upon a Church: And so dar not affirme that submission is in his case due. Why vvill not the *Surveyer* take notice of this & grant so much in our case? We should readily grant to him, that submission might be yeelded in smaller matters, when the hazard was only personal, and the suffering of one, or of a few, was not *tantis* as therefore to disturb the settled State, wherein the maine matters were kept in their integrity. But he cannot in reason demand more of us, (if the parallel hold) or seek submission, when Higher powers are overturning the precious Truthes of God, and interests of Christ, are destroying a glorious vvork of reformation, are pressing all to open and avowed perjury, are destroying the fundamental rights, libertyes and privileges of the Christian Subjects, and vvannizing over their Estates, their Bodyes and their consciences,



sciences. 3. So tender was the *Reviewer* that *Pag.* 115. he would not urge submission to sentences of inferiour courts when appeals from one judicatory to another could not be had; yet so untender is our *Surveyer* that he will have absolute and unlimited submission yeelded, when he knowes that not only is there no liberty of appeal granted, but not so much as liberty to petition and supplicate, to get any thing that is amisse righted. Thus he would have the whole land submitting to meer and cruel tyranny. 4. *Pag.* 129. the *Reviewer* said [*We never asserted a judicatory might be contra-acted in no case, as we cleared before*] far lesse will he affirme, that a judicatory may not be contradicted in any case, *ibid.* How cometh it then, that our *Surveyer* doth not follow the *Reviewer's* footsteps; but pleadeth for absolute and illimited submission, in all cases vvhatsomever. 5. *Pag.* 131. vvhhen he comes to that argument taken from the Tyranny which would hereby be introduced in the Church, which would consequently condemne defensive armes used against Tyranny in the State: He only sayes [*That no learned man would ever allow people to rise (far lesse a party only) against a prince upon the account only of the unjust sufferings of particular persons, while yet the affairs of Church and State were well ordered - while yet they adhered unto* Overturned none of the righteous things concluded in a nation. Sure then it will be allowed by him, that people, though the lesser part, defend themselves against Tyranny; when not only particular persones are unjustly suffering, but the righteous things once concluded and confirmed by lawes, Oathes, Vowes, Covenants, Acknowledgments, Declarations, & Protestations, are overturned; the work of God razed to the foundation; perjury and breach of Covenant established: Courses laid downe for a constant exercise of tyranny and oppression &c. againe. 6. *pag.* 134. [*let once (sayes he) a judicatory grow so corrupt as to condemne the duties of preaching Christ and participation of publick ordinances, in the very nature and kinde, and as to all sorts of persons universally — and in that case we shall without scruple conclude them no true courts of Christ, & consequently not to be submitted unto; yea in case such decrees were published, we should hold it a case of confession for ministers to preach. and people*

to frequent ordinances so long as they had liberty or opportunity.] How then can submission be given to these in povver, vvhoe novv have destroyed the interests of Christ, and vwill suffer none to plead or contend for Christ and his oppressed truth, or speak against perjury and dreadful defection, vvhreeof the land is novv guilty? But enough of this, vve proceed.

Another particular which we shall here examine is that discourse he hath concerning 1 Sam. 8: ver. 10. Pag. 63: 64. The summe of what he sayeth is this. [*It is true (sayes he) the place, 1 Sam. 8: ver. 10. neither contradicts nor repeales that law Deut. 17: ver. 14. — But it is false that only the tyranny of a King is there spoken of by way of meer dissuasive: Moses and Samuel agree: The one shewes what a King should do ex officio and de Jure, The other what a King may do, by the power he hath, and yet not be obnoxious to punishment, from Subjects, — or what a people should suffer of an evil King, without attempt of violence upon him. The one sets out Gods approbative law, The other his permissive law — as albeit the Lord approve not divorce, yet by a permissive law, Deut 24: ver. 1. Husbands had liberty to put away their Wives, without being obnoxious to humane punishment — The fact is the manner of Tyranny, but the permissive power without punishment from subjects, is the just right of all lawfull Kings — Though Samuel might have here intended to dissuade the people; yet his maine intention was to shew the people their duty under a Kings oppression, what they were to suffer without resistance; for so what purpose should he have written the Manner of the King in a book, and laid it up before the Lord, 1 Sam. 10: ver. 25. But to teach the people their behaviour to the King? So that this was not the law of the King, Deut. 17. which was already kepted in the Ark.]*

*Ans. 1.* It is well that he granteth that this *Im Regis* or the manner of the King is *de facto* the manner of tyranny; and so that it was no wayes lawful for the King to do these things there mentioned, which yet other Royalists do peremptorily deny, and averre hence, that Kings have full, absolute and illimited power over the Subjects persons and goods. And thus as to the King's part, he must grant that what is here spoken, is contrary to what is said, Deut. 17.



2. All the circumstances of the text shew, that this tyranny of the King is spoken of meerly in way of dissuasive, for it was a King to judge them like unto the Kings of other Nations, which they were seeking, and this displeased *Samuel* ver. 6. and the Lord said to *Samuel*, that hereby they had rejected not *Samuel*, but himself, that he should not reigne over him, ver. 7. and the Lord commanded him solemnely to protest against them, and then shew them the manner of the King: and what else was this for, but to bring them off their purpose, and dissuade them from prosecuting it any further? But it is said, ver. 19. *Nevertheless the people refused to obey the voice of Samuel*, now what else was the voyce of *Samuel* then a dissuasion? Let him look the *English* and *Dutch Annot.* upon the place, and other Commentators, and he will finde it so.

3. That which he takes the meaning of this manner of the King to be, is the old saying of *Barclaius* long since exploded by *Althusius* in his *Politic. cap. 19. num. 58.* thus [*Impunity* (sayes he) *in committing wickednesse can make no right: Princes have no power to do evil, but only to help, comforte, and to promote the good and profite of the people*, *Vasq. Lib. 1. cap. 1. and 2. c. 26. num. 2, 3. contr. Illustr. ——— To do evil is no act of power, but of infirmity that cannot abstean from doing evil*, *Vasq. D. L. C. 27.* for so a company of Thieves, and Incendiaries, which can do many things, which they ought not, should be said to do these things by a kingly right, and if this *Jus Regium* be understood of permission, which *de facto* cannot be hindered, That is common to others, as well as to Kings; for both a King and a private person may be free of punishment, either because the fact cannot be proved, or because they cannot be gotten punished, or because these evils are permitted by law *L. non omne 144. de Reg. Jur.* Tyranny is not to be reckoned among these things which are to be permitted; for Tyrants are Adulterers, Ravishers, Murderers, and such as are guilty of other capital crimes; whom Scripture stiles, Lyons, Beares, Dragons, Wolves, *Prov. 28: ver. 14. Ezech. 22: v. 27. Dan. 2, &c. and the like, Psal. 58. Esa. 13: ver. 11. and Cap. 33. v. 1.* Let him consider also what famous and learned *Voetius* sayeth to this, *Disp. select. part. 4. pag. 222.* Where he tells us that to do



do evil with impunity, is not *Ius*, doth found no *Ius* or right, neither is founded on the law of God, of Nature, of Nations, nor on the civil law. And as to that which the *Surveyer* sayeth, that it is a *Ius*, because it shewes what people were to endure willingly, and might not resist. He answereth, *Pag.* 223. That then the people should be the subject of this right or *Ius*, and not the King; and so it could not be called the *manner of the King*, but the *manner of the People*. Again he sayes, evil, losse, vexation, passion, and not to hinder evil, in Scripture phrase, is rather called somewhat opposit to *Ius*, then *Ius* or right, viz. a privation of it.

4. As for his simile of a permission granted to men to put away their Wives, it is not of the same nature with the former evils (sayeth *Althusius* in the place above cited.) And the Author of *Lex Rex*, *pag.* 137. said well, [If so, a power to sinne, and a power to commit acts of Tyranny, yea and a power in the Kings Sergeants, and bloody Emissaries, to waste and destroy the People of God, must be a lawful power given of God; for a lawful power it must be, if it cometh from God, whether it be from the King in his owne person or from his Servants at his command, and be either put forth in acts, as the power of a bill of divorce, was a power from God, exempting either the husband from punishment before men, or freeing the Servant who at the husbands command should write it, and put it into the hands of the Woman. I cannot beleieve that God hath given a power and that by law, to one man, to command Twenty Thousand cut throats to destroy and kill all the children of God, & that he hath commanded his children to give their necks and heads to Babel's sones without resistance. This I am sure is another matter then a law for a bill of divorce to one woman, married by free Election, of a humorous and inconstant Man. But sure I am God gave no permissive law from Heaven, like the law of divorce; for the hardnesse of heart, not of the jewes only, but also of the whole Christian and heathen Kingdomes under a Monarch, That one Emperour may, by such a Law of God as the law of divorce, kill by bloody cut throats all the nations that call on God's name, men, women, and sucking infants.]

5. The reason which he giveth *Pag.* 64. is the same that *Barclaius* gave viz. [To what purpose should he have written the

manner of the King in a book, and laid it up before the Lord after the King is set over them 1 Sam. 10: ver. 25. When there was no pleasure for repentance, no remedy, no use of terrifying or dissuading them, the only use of recording it, was to teach the people their behaviour towards their King, and patience under him, and that it should not be free for them to shake off the yoke of his government, or to offer violence to him albeit he should overstretch his power too far. This recorded was not the law of the King, Deut. 17. which was already kept in the ark with the rest of the law.]

Ans. 1. Though the King was set over them, he had need to have had his duty written before him in a book, and kept to posterity, no lesse then the People should have stood in need to have had their duty so recorded. 2. To say that it vvas to teach the People their duty, is but a begging of vvhhat is in question: And it is not probable that Samuel vvould vvrite the rules of Tyranny in a book, and lay it up before the Lord in the Ark of the Covenant, seing he vvas to teach both King and People, The good and right way, 1 Sam. 12: ver. 23, 24, 25. 3. The English Annotations tell us on the place, that this manner of the Kingdome which Samuel vvrote, vvvas [Not as it is commonly practised, Chap. 8: ver. 9, ——— 18. but as it ought to be in a lawful and free Monarchy appoynted by God himself, according to the fundamental lawes of the Kingdome, teaching what duties the King ought to performe in the government of his people, and the people in their subjection and obedience to their King, according to that description of a King set downe by Moses, Deut. 17: ver. 14, &c. Ezech. 45: ver. 9, 10. & Cap. 46: ver. 16. Rom. 13. v. 1. 1 Tim. 2: v. 2,] The Dutch Annot. say, [This is not of the way, manner and custome of actions which Kings sometimes take up contrary to law, but of the lawes which Samuel by God's instinct made or enacted, concerning the government of Kings; see Deut. 17: ver. 18. Or of the ordinances for to instruct as well the King as the Subject. And Jackson in his notes on the place sayeth, [„ That it vvas both the duty of the „ King towards his Subjects, and of the Subjects toward „ their King; and these vv ere the fundamental lawes of the „ Kingdome: and this book vvas carefully laid up before the „ Lord, sayeth he, 1. for the sure preservation of it, 2. to „ signify that even these civil lawes vv ere the ordinance of God, vv hich



which men were bound to obey, *not only for wrath, but also for*  
*conscience sake, Rom. 13. ver. 2, 5.* 3. To intimate that  
 God would take care of these lawes, to uphold and main-  
 taine them, and to punish these that should vilify and break  
 them] *Cornel. à Lap. and Lyra* say the same upon the mat-  
 ter, *Deodat* tells us that, [it was the fundamental lawes of the  
 Kingdome, inspired by God to temper Monarchy, with a  
 liberty befitting God's People, & equity toward a nation --  
 to withstand the abuse of an absolute power.] But this *Serv.*  
 sayeth that all this is *but a guesse without ground.* But what  
 are his reasons? [*Had there* (sayes he) *been any such special*  
*fundamental lawes, the Ten Tribes had a faire ground of pleading*  
*upon the same, before their revolt, but no such thing is heard of, and*  
*it is as easy to deny it, as it is to affirme, that there was any such fun-*  
*damental law]* *Answ.* Whether the Ten Tribes did plead  
 this *in terminis* or not, is not, it is true, asserted or heard  
 of, but it is undenyable that they did plead it upon the matter,  
 when they required nothing but what was consonant unto the  
 law *Deut. 17.* and because it was refused, they thought them-  
 selves free to make choise of another King. 2. What more  
 force hath his denyall then ours? we bring approved authors  
 for what we say, and he satisfieth himself with his owne  
 word, and thinks that that is sufficient to confute all com-  
 mentators, even such as himself a little thereafter citeth and  
 approveth in other things *viz. Deodat.* What sayes he more?  
 [*The People claimed no voice in such fundamental lawes -- and it was*  
*their interest to be consulted with in the matter.]* *Answ.* The  
 People were so bent to have a King upon any tearmes, that  
 they consulted little their owne welfare and faifty. But  
*Samuel* was more tender of them, and they might have  
 concredited that matter unto him, being a Man of approven  
 integrity, and known to be one that sought their good, and  
 had no good will to set a King over them. But sayes he,  
 [*had they thought of any such Covenants or lawes fundamental, where-*  
*in liberty might be left them to resist their Kings, or take order with*  
*them, how easily could they have shewed the weaknesse of Samuel's*  
*dissuasion, and said, if the King be evil, we will resist him]* *Answ.*  
 This was done after the matter was past remedy, and a King  
 they



they would have, and a King God would give them in his wrath. 2. We finde *chap. 14.* that they did resist him, when he was going to shed innocent blood, whether according to these fundamental lawes or not, is not much matter.

6. Though all which he desireth here, should be granted to him, he would not gaine his poynt, unlesse he should prove that this was a standing precedent to all nations in all time coming. Which ere he do, he must consider and confute what worthy and renowned *D. Voetius* hath said to the contrary, in his book before cited, disp. *de Iure Regis Hebraeorum* §. 1.

What he sayeth, *Pag. 68.* shall be considered in the next chapter, and what he sayeth *Pag. 69. 70. 71.* is already answered: for this windy man would seem to be voluminous, by filling many pages with the same things repeated over and over againe, that if he cannot say much for his hire, he may seem to be at some paines to say many words, and waste much paper. And therefore we proceed to take notice of some other objections.

## CAP. XVI.

### Three Principall Objections Answered.

Here are three grand objections which the *Surveyer*, here and there throw his pamphlet, maketh use of, and which seem to militate against some of our forementioned arguments; as. 1. That there were not (in the case now under debate) inferiour Magistrates, a Parliament, or the *primores Regni*, or the *Episcopi*, and States of the Realme, concurring in that defence: and whatever may be said in the defence of a warre carryed on by these, against the illegal violences and extreame oppressions of a Prince, will not warrand the insurrection of meer privat persons. 2. That in the case now  
con-

controvetted, it was not the Body of the land or the whole Community that made this opposition to Magistrates Superiour and inferiour; But only a small inconsiderable company, in respect of the whole land: and so though it should be lawful for the whole body of a land to joyne together, to defend themselves against the tyranny and oppression of a Prince, without the conduct and concurrence of inferiour Magistrates; yet it will not hence follow, That it is lawful for any part thereof, to use such resistance. 3. That the party, which lately made opposition, had no sufficient ground to take armes, suppose it had been lawful in its owne nature, there being no such provoking cause or occasion given by the Prince. And though it should not be thought very necessary to insist on these now, seing this last was spoken to in the clearing of the question, and the first was touched also formerly *cap. 2.* And all our arguments conclude for a People without their *primores* or Parliaments; and So do many both of our arguments and instances adduced, speake clearly & undenyably, unto the case of a considerable part, though not the whole of the community, defending themselves against manifest and unjust violence; yet that the matter in hand may be fully cleared, we shall speak alittle further to these three objections here.

As to the first (though the surveyer be *in mala fide* to make use of it, unlesse relinquishing all his brethren the Royalists, he grant it lawful for people with a Parliament to resist, which neither will he nor dar he do; And therefore we shall speak to this objection, rather for the satisfaction of others.) We desire these things may be considered.

1. That as necessity did put people at first, upon the constitution & election of a Parliament, to manage their affaires, which they could not so conveniently do themselves, without confusion, discords, and other inconveniences, which would necessarily attend a communities meeting together, for carrying on of these matters: So it was the certane expectation of their profite and advantage, that did prompt them unto the setting of this frame and constitution.

2. What-

2. Whatsoever power these Commissionated, according to that frame and model condescended upon, had or have, is not in and from themselves, but from the People, no lesse then the Prince hath his power from the People; as was shewed above: For no man can imagine any difference, as to the subordinate and instrumental rise of the power, of the Prince, and of the Ephors: So that as his power is from the People under God, so is the power which they have. [*These publick Ministers of the Kingdome (sayeth Althus. Pol. c. 18. n. 3.) are chosen by the united and consociated body of the People or members of the Kingdome, to governe, take care for, and preserve the whole associated body, and her rights; und are instructed with necessary power and authority, which to performe they are obliged by oath.*]

3. Hence, really the power of the People is greater then the power of any delegated or constituted by them; for the cause is more then the effect: and the Parliament doth represent the People, but the People do not represente the Parliament: Therefore the power of the People must be more. His povver who doth constitute another, or depute him as a guardian to some businesse, or to oversee some of his matters, is greater then any povver, vvhich that other deputed or constituted Curator hath. Parliaments then being but as Tutors and Curators unto the People, must have lesse povver then the People have [*mandans vero*] sayeth Althusius pol: c. 18. n. 92. ) *vel injungens alii rerum suarum procuracionem, est instar imperantis, rogantisve, suscipiens vero talem administrationem, instar obtemperantis, inservientis, & officium suum alteri praestantis.*] So that the Parliament is but a servant to the People: and the power of a Master is alvvayes superiour to the povver of a Servant as such.

4. It is irrational to think, that the People in choosieing the Ephors or Parliament-members, and committing the administration of their weighty affaires unto them, did denude themselves of all that innate and radical power, which they had to manage their owne matters; seing no urgent necessity could compel them to it, nor any foreseen advantage or profite, which thereby could redound unto them, move them and perswade them thereunto: but on  
the



he contrary, much hazard and disadvantage might at the very first appeare upon such a surrender as this. Much lesse could they denude themselves of that power of self defence, which by no law of God or man they might lawfully give away.

5. Whatever power Parliaments have, it is to be exercised and put in practice for the good and advantage of the People. Their power is for the profite, and not for the hurt of the people, and to this scope and end should they level all their labours, travails, paines, endeavours, cares, thoughts, consultations, conferences, votes, deliberations and conclusions *L. Imperial. C. de nuptijs L. bene a Zenone C. de quadr. L. 8. C. de legibus. L. precipimus 34. C. de appell. (See Althus. vol. c. 18. n. 7: 17.*

6. Hence Their power is not absolute, infinite, or unlimited; but hath its owne bounds and limites over which it cannot lawfully passe. They are to rule and do all, for God and the good of the Realme, whose servants they are. They are the Ministers of God for the peoples good *Rom. 13. 4.*

7. When they transgresse their true limites (which no man will say is impossible) by commanding what God hath forbidden, or forbidding what God hath commanded in his holy law; or when they seek not the publick good of the Land, but their ovne private advantage, They are not, but cease to be, the Ministers of God and of the People, and become private persons, who ought not, in these particulars wherein they goe beyond their bounds, to be obeyed: As sayeth *Althusius ubi supra n. 41.* and proveth by many authors: And the reason is cleare, for no interiour can disanul God's Law, or free us from subjection thereunto. They have no power to command sin, God never gave them such a power: And the People could not give it, for they had it not themselves, neither had they a power to wronge and destroy themselves, and so they could not give this unto them.

8. If these *Ephors* or *Trustees* betray their trust, and sell or basely give away the libertyes and privileges of the people, which they were intrusted with, the people cannot thereby be

be brought into a remediable condition, or lose their privileges without all hope of recovery. If a Tutor waste and destroy the Pupil's Estate, the law provideth a remedy for the Pupil: If a commissioner or deputy betray his trust, the master's losse thereby is not irremediable: If an advocate betray a client's cause, The client will finde some relief [„ The peoples right (sayeth *althusius ubi supra. n. 124*) suffereth no prejudice, nor doth the Prince ——— obtaine any „ more tyrannical power, by the negligence, perfidy, deceit „ collusion, treachery, prevarication, and conspiracy of „ the *Ephori* or *primores regni*, with the prince ——— for it is „ unjust & absurd to affirme that the *Ephori* (or *parliament-men*) „ can transference unto the Tyrant, what they never had themselves, or can destroy or alienate the rights of the Community, in prejudice of the whole Realme, and that contrarie „ to the fundamental lawes of the land, or such, as the prince „ swore to maintaine, and which containe the spirits and life „ of the Commonwealth.]

From these irrefragable truthes, so consonant to right reason, and attested by learned politicians, it will clearly follow. 1. That the Peoples case is not worse by Parliaments, then it would have been without them. 2. That Parliaments cannot tyrannize by any law or right over People. 3. That no treachery or perfidy of Parliaments, neglecting their duty or betraying their trust, can prejudge the people of their due rights and privileges. 4. Parliaments not concurring with the People in their necessary defence, cannot loose them from the obligation of nature, to defend themselves from tyranny and intolerable oppression. 5. If Parliaments in stead of acting the part of Trustees, Tutors, Curators, Delegates and Servants, shall turne Tyrants, wolves, Tygers, and Enemies to the Commonwealth themselves, or conspire, joyne, or enter into a confederacy with a Tyrant, and so seek the destruction of the community; The community is allowed to see to the preservation of their owne rights and privileges, the best way they can. 6. And so in some cases, when the hazard is great, the losse irreparable, private persons

ones may defend themselves against manifest Tyranny and oppression, without Parliaments.

All this seemeth to be cleare and undenyable *in thesi*. Let us next see what way this shall sute, or what more can be said for, our case, *in hypothesi*.

And. 1. It is beyond contradiction, that the late Parliament did basely betray its trust: for politicians tell us, That it belongeth to these *Ephraim*. To vindicate and maintaine the compact and Covenant which is betwixt the Prince and the People. To keep the prince or the supream administrator of justice, within his bounds and limites, that he turne not a tyrant, or an oppressour of the People. To hinder him from violating the law of God. To restraine and coërce him from violating the lawes of the land, and the rights of the Kingdome. To hinder the execution of the unjust and illegal decrees and mandats of the Prince. To defend the proper and incommunicable rights and privileges of the People. To cognosce whether the Supream Magistrate hath done his duty or not, and to hinder him from committing Tyranny. See for these particulars *Althusius, Pol. c. 18. n. 48, 55, 63, 65, 68, 83, 84*. Where all these are abundantly confirmed. Now, it is notour to all who consider either what they did, or what was enacted by them, and stands registrated to all generations, how the late Convention (which hardly can be accounted a lawful Parliament) not only came short of their duty in these particulars, but stired a direct contrary course, as we shall shew in a few words. For 1. So far were they from maintaining that compact and Covenant, which was betwixt the King and the People, That they declared these Covenants and engagements null: declared the very Parliament and committees, that called him home and crowned him, null: condemned the very transactions that were had with the King before he came home. 2. So far were they from keeping the Prince within his bounds and limites; That they screwed up his prerogatives to the highest peg imaginable, and did investe him with such an absolute unlimited and infinite power, that he might do what he pleased without controule. 3. So far were they from  
Y hindering



hindering him from transgressing the lawes of God, That they concurred with him, to enact lawes diametrically opposite to the Law of God, to condemne and overturne the work of God, To set up an abjured prelacy, and force conformity thereunto, beside other acts which they made to hinder the course of justice. 4. So far were they from hindering him from violating the wholesome well settled and established lawes of the land, that they concurred with him to overturne these, to the great losse and detriment of the Nation. 5. So far were they from preserving the rights of the Kingdome, That they made a voluntary and base surrender of these unto the pleasure and arbitrement of the Prince, in annexing to the crowne The sole choise and appoyntment of the officers of State and privy Councillers, and the nomination of the Lords of Session; in dischargeing all meetings, Councils, conventions, or assemblies of the People, without the King's command or expresse license: In giving away to him as his right, the sole power of raising the Subjects in armes; of commanding, ordering, disbanding and otherwise disposing of them; And of all strengths, forts, or garrisons within the Kingdome: all which politicians will grant to be the proper native rights of the Kingdome. 6. So far were they from hindering the execution of his unjust decrees and mandates, that whatsoever he pleased to command, was by them embraced, yea and fortified, strengthened and corroborated, and put into a standing law, how dishonourable soever it was to God, how repugnant to equity and reason, and how noxious soever it might prove to the Nation. 7. So far were they from defending the Libertyes and Privileges of the People, that they basely gave them away, by denying them to have any power to defend themselves against manifest oppression, or power to call Parliaments or other meetings for their advantage, in cases of necessity; by giving away to the King yearly forty Thousand pound Sterline, to the impoverishing of the Nation and reducing it to slavery: And by Tendering unto him all the lives and fortunes of the subjects, to maintaine his interest; and offering Twenty Thousand foot men, and two Thousand horsemen sufficiently arm

ed and furnished with fourty dayes provision, to be in readi-  
ness as they shall be called for by his Majesty, to march to  
any part of his three dominions, for any service wherein his  
Majesties honour, authority or greatnesse might be concerned:  
Which how ever it may be coloured with specious pretexts;  
yet, all circumstances considered, was nothing but a real manci-  
pation of the liberties of the People unto the will and pleasure  
of a Prince. 8. And so far were they from calling the King to  
any account, and from impeding Tyranny, that in effect  
they declared the King exempted from all such tryal or exa-  
mination, and that he might exerce what tyranny and op-  
pression he pleased without controule: For they gave unto  
him absolute and unlimited power over all persones and in all  
causes; They declared him to have absolute power to call,  
hold, prorogue, and dissolve Parliaments and Conventions  
and Meetings of the Estates: And That no acts, sentences,  
or statutes to be past in any of these meetings, can be bind-  
ing or have the authority and force of lawes, without his  
authority and approbation interponed, at the very making  
thereof.

2. It is notour to all who read their acts, How they have  
enacted and concluded things most unlawful and unjust, re-  
pugnant to the Law of God and right reason: Condemning  
Solemne Covenants sworne by all rankes of People in the  
land, in the most solemne manner; introducing abjured  
Prelates; Establishing tyranny in the Church; condemning  
and razing to the fundation the Covenanted work of God;  
enjoyning a conformity unto corrupt courses; pressing perjury  
and Apostasy, by forceing all in publick places, and  
others, to subscribe declarations and oathes, contrary to their  
former sacred and inviolable Covenants and oathes made to  
God.

3. By confirming, ratifying and approveing these courses  
of Apostasy and defection, and establishing these into lawes,  
and binding and forceing the People unto obedience, by their  
irrational and insupportable penalties annexed, They have  
laid downe a constant course for tyranny and oppression of

the People in Estates, bodies, and consciences, without all hope of remedy or redresse.

4. As Parliaments with us are not constant and fixed courts but ambulatory and occasional, so they have laid downe a course, that we shall never have a Parliament that shall redresse the wrongs, injuries, oppressions and tyranny of Princes; or heare the iust grievances of the Subjects: For when the Prince oppresseth the People, and turneth a *Nero* and a *Caligula*; there shall be no remedy, because they have given him absolute power to call Parliaments, and who can expect he will call a Parliament in that case? or if he do call, he hath absolute power to raise them and dismisse them when he will; and is it probable that he will suffer them to sit when they are doing any thing against him? Or if he should suffer them to sit, what can they do? None of their sentences or acts have power, unlesse he will add his authority, and will he ratify or approve any thing that is against himself, and his tyrannous will? Beside, that they have denuded themselves of all power of suppressing tyranny, by declaring his power so absolute and infinite, as that no bounds can be set unto it, no power can suppress his tyranny, or call him to an account.

5. Not only have they laid downe a course that we shall have no Parliament to interpose for the relief of the People, & to suppress Tyranny; But also they have laid downe a course that there should be no Magistrats in shires or brughs, that should help, according to their power and place, the oppressed and grieved Subject, and concur for their relief; Because all such, ere they be admitted to their places, must conforme unto this abominable course of defection, and by subscribing declarations, Binding themselves by oaths impious and opposite to the solempne Covenants, under which the Land standeth bound and obliged before the Lord, conspire with them in this Apostasy, against the interest of God in the Land.

From all which we think these things will clearly follow.

1. That it may be much doubted if this last convention can be accounted, by any law either of God or Man, a lawful Par-



Parliament, having so palpably betrayed their trust, in ruling not for God and his interest, but against him, and enacting things to his dishonour; in selling and giving away the old and undoubted Privileges of Parliament; and in betraying, dilapidating, dispoſing, and giving away the native and unquestionable Rights and Privileges of the People; and in overturning the fundamental lawes of the Land; and annulling the fundamental article of the compact betwixt King and People. Seing Politicians will grant, that such are to be accounted but private persones: though we should make no mention of other informalities which usually weaken or annul the constitution of a judicature of that nature, in poynt of formality; as liberty denyed to some shires to chooſe ſuch members as they thought good; prelimitation uſed to all; the admiſſion of ſome as members not capable of an election, according to our ancient and received cuſtome; the denying of free liberty of debateing, reaſoning, diſſenting and proteſting, which is allowed in all free Judicatories, and the carrying on of matters in a head-ſtrong, violent, and tyrannical manner, without ſuch previous deliberation, or ſerious conſideration, and pondering the weight and moment of matters, as would have become a judicature by its conſtitution and nature ſo ſage and honorable.

2. The native, ancient and undoubted Privileges of the People are *de jure* intire and inviolated, notwithstanding of any thing done by this late meeting, which had no power to do what they did: And therefore could not wronge the rights and Privileges of the People.

3. That there is no hope, or humane probability now left, that ever the People of *Scotland* ſhall have a Parliament by the courſe laid downe or inferiour Judges to reſent the injuries, oppreſſion and Tyranny done to and exerciſed upon them; but that ſtill their bands ſhall be made ſtronger, and the yoke of oppreſſion and Tyranny wreathed cloſſer about heir neckes. So that there was not, neither is there any hope (ſo long as this courſe of defection ſtandeth and is not reverted) that Parliaments now, or the *Primores Regni*, or inferiour Judges, ſhall concurre for the ſuppreſſing of Ty-

ranny, bearing downe of oppression, defection and apostasy, according as they ought.

4 That while matters are so, the People of *Scotland* are as if they had no Parliaments, nor inferiour Judges, for that end; and cannot be supposed or imagined to be in a worse condition, then if they never had had any such, to protect them from the tyrannical and arbitrary lust and domination of Princes. And therefore must be allowed to use the privilege and liberty which nature hath granted unto them, to defend themselves from unjust tyranny and oppression of Princes, Parliaments, and inferiour Judicatories, when their Representatives palpably betray them into the hands of their adversaries, yea and conspire with their adversaries against them, and their Privileges; and in stead of Patrons and defenders of their rights and privileges, turne enemies thereunto, and take courses utterly to destroy all.

By this, I suppose, the first Objection is sufficiently answered, yet I shall adde this word more, and would desire that all who are of a contrary judgement would answer this quæree. Whether or not vould they think it unlavvful, for private persons vvithout a Parliament, privy Council, or other inferiour Magistrates, to resist a Prince, or his Emis-saries, if he vvith the consent of these should transference unto him self the proper and immediat right unto all the Lands, Rentes, Tenements, possessions, Heretages, and goods within the vvhole Land, vvith full povver to sell, dispo-ne, and give avvay the same unto whom he pleased; and presently upon the passing of that act, cause eject, dispossesse and remove all the present heretours and possessours, or put them to buy it of nev v of him, or take tackes thereof as taks-men, farmers or tennents? If they think that in this case they might law-fully resist such horrid tyranny, Then why not in our case, when the People, contrary to all law, oathes and vov-es, are put out of the possession of their Covenanted Religion, reformed in doctrine, worshi-pe, discipline & government, & that by meer violence and tyranny? Sure such matters as touch Soul and consciences, ought to be as deare to People, as what concerneth their bodyes and estates. Or if we should

should put the case, That the King were about to sell the whole Land unto the Turk, or unto Irish bloody Papists, & by bribes or promises, should procure the consent of a Parliament, & the concurrence of Council and other judicatories (as really upon the matter, walking according to the acts they have made, he may) Might it be unlawfull for People in this case, without the concurrence of inferiour Magistrates, who had now sold them, and basely betrayed their trust, to stand to their owne defence, and to the defence of their posterity, and their lives, rights, liberties and privileges? And if this cannot be asserted by any man, who hath not made a perfect surrender of his owne reason, unto the will and lust of another, why can resistance in our case be condemned: Seeing soul matters are of infinite more worth, then these outward things; And it were lesse bitter to know and see our posterity redacted into a state of perfect slavery unto foreigners, as to their outward privileges, then to see them shut up into a crosse prison of soul slavery and bondage, destitute of the pure and lively ordinances of salvation, and frustrated of the glorious and excellent liberties and effects of a purely preached gospel, and so shut up in a dungeon of ignorance, superstition, and all Prophanity, that they should never know what true liberty meaneth?

As for the next objection taken from this, that they were not the Whole Body of the land, but only a part thereof, which cannot be so well justified. It may easily be answered. That it being lawful for a single persone, in some cases, to defend himself from unjust violence: It will be much more lawful for a considerable part of a Kingdome to defend themselves, though they get not help of others. Though all be bound to help a ravished maide, yet though none should help, she may resist and defend herself. But to leave this, because we have adduced many arguments that concludes the case lawful even for a part of the Kingdome, we shall speak to the complex case, not only as it was a defence but also a probable meane to put a stop unto the course of defection. Which was and is carryed on; and to redeem the land from spiritual bondage and slavery, as well as bodily. And to



this we say, That when the case is a publick case concerning all the land, no lesse then these who jeoparded their lives for the same, no man in reason can condemne these few that undertooke the interprise, the profitable effects of which would have redounded to the whole: When a city is on fire, no man will think the few that hazard their lives to quench the same, are to be blamed, though the rest doe lye by, and will not concurre. The men of *Ephraim*, *Benjamin* and *Jissacher*, who followed *Deborah* and jeoparded their lives upon the high places of the field, that they might deliver the whole land from under the Tyranny of *Iabes* King of *Canaan*, though *Reuben Gad* and *Zebulon* did not concurre, according to their duty, were not the more to be blamed, but are the more praised and commended; and such as came not out to the help of the Lord against the mighty were under a bitter curse. The common tye of Christianity and brotherhood and other supervenient obligations did oblige all the Land (as was shewed above) to concurre as one man, to endeavour the deliverance of the Land from dreadful oppression and tyranny, and because the greatest part, like *Jissacher* in an other case, loved to couch under the burden, and refused to contribute their help for their owne delivery, and proved enemies, shall these few who ventured their lives and Estates, and all which they had, for the liberation of the land, be the more, upon that account, condemned? What hight of absurdity were this? Had the Men of *Ephraim* good reason to challenge *Jephthah* *Judg.* 12: *vers.* 1, 2. &c. because he fought with the Midianites without them, when he sayes, that he had called them and they would not come out? If an Enemy invade the land, and such provinces as are furthest from danger shall neglect or refuse to concurre with the rest to expell them, yea shall strengthen the invadeing enemy, shall these be blamed who are next to the danger, to take the alarme at the first, and do what in them lyeth, for their owne safety and the safety of the whole land? Therefore, seeing the cause which these few owned was of common concernment, and equally respecting the whole land, since the rest would not concurre, as they were bound to do, they are more praise-worthy then blame-worthy that ventured

tured all for the good of the whole land , and did what in them lay , to redeem the whole land from that oppression and bondage, under which it was lying. If it had been some small petty particulare of their owne , it had been more lyable to the censures of men ; but the cause being Common, which they did owne , (a Covenant sworne by all ranks of People , and a Covenanted work of reformation, and liberty from tyranny both in Church and State, was a cause not peculiar unto them , but common to all the land ,) it is the hight of absurdity, illegality, yea and inhumanity, to accuse them of Treason or sedition , or to condemne their interprise upon that account. So that though the major part of the land turne so corrupt , as to imbrace a corrupt abjured course, see their privileges taken from them , the vwork of God overthrowne, lawes ratifying and approving Religion reformed in doctrine vvorshipe discipline and government , and securing people in their peacable and Christian possession of these, novv abolished rescinded and annulled ; their liberties , as civil scotish men, and as Christians, sold avway ; their fundamental compact, and the cardinall clause of that contract betvvixt King and Subject, cancelled and shamefully brocken; Tyranny and oppression of consciences , bodyes and Estates established; and no legal remedy or redresse apparent or probable; and shall notwithstanding of all this, love to sit still & not to be stirr themselves, according to their places & power, for securing Religion,lawes,& liberties; For extirpating abjured prelacy , and malignancy ; and restoreing the Ordinances of Christ to their wonted purity,& delivering the land from slavery & bondage,& from stupenduous apostasy & defection , at which the Heavens may stand astonished, and all men and angels may wonder: Shall their negligence and deficiency in duty , binde up the hands of the wel affected, and render them utterly incapable in law , to minde themselves and the good of the whole land , the good whereof they are obliged by many bonds and obligations to seek by all faire meanes possible? Neither doth the lawes of Nature , the lawes of God, nor particularly the bond of Christian love to their Native land , to their Mother Church , and to their Christian oppressed brethren, nor the bond of

their Covenants, solemne vowes and engadgments, so limite this duty, and loose them from all endeavour after a performance. But by the contrare, if God give any probable capacity, upon all these considerations, they are the more obliged to lay out themselves to the utmost, and to account themselves the more indispensably obliged thereunto, that as the hazard is greater, the losse is the more certane and irrecoverable. Wherefore, seing the ground and ends of the riseing of these few, was not particular, but general and national, the good and benefite of the interprise redounding unto all, no lesse then to themselves, and being that whereunto all, no lesse then they, were obliged by solemne vowes and moral bonds, their case must be otherwise considered, then the case of a few malcontented persons, who because of some particular injuries done to themselves, and for some particular ends proper and peculiar to themselves alone, arise in rebellion against the lawful Magistrate. The Royalists themselves allow it lawful for any privat person to kill an usurper or a Tyrant *sine titulo*, and why? But because the good of this action doth redound not to himself alone. But to the whole Land; So in some places a reward is promised to all such as shall kill a Bear, or any such noysome beast, because the good and frute of this action concerneth moe then themselves, and therefore though all were bound to do what they did, yet they are not blamed but rewarded for what they have done. So should these rather have been revwarded then blamed or condemned, for vvhhat they did interprise, for the universal and national good of the vvhole Land.

As for the third Objection, so much hath been spoken of that already; whether we mean the particular sufferings and oppressions of the People of Galloway, (The *Naphthaly* is full to this purpose,) or the general calamity, by reason of apostasy, defection, perjury & oppression in Religion and libertyes, which is so nature that none who hath not renounced common sense together with Religion & honesty, can deny it, or pretend ignorance thereof, that we need do no more here, but give a short reply to what the *Surv.* hath said to this matter: only we would adde this. That if That learned lawyer *Althusius*



*husius* in his *politiques* Cap. 38. n. 5. &c. give the right characters of a Tyrant, and of Tyranny, we may have good ground to say that our land beareth many blae marks of that tyranny: For, sayeth he [there is one kinde of Tyranny, which consisteth in violating, changeing or removing of *fundamental lawes*, especially such as concerne Religion: & such, sayes he, was *Athalia*, Philip the King of Spaine, who contrare to the *fundamental Belgick lawes*, did erect an administration of justice by force of armes; and such was *Charles the IX.* Of France that thought to overturne the *Salique law*] and whether our King be not in this guilty in overturning the *fundamental lawes*, concerning our reformed Religion, let the world judge. Next sayes he [when he keeperth not his faith and promise, but despiseth his very oath made unto the people.] and who is more guilty of this then King *Charles the 2<sup>d</sup>* n. 9. He giveth us this mark [when the *supreme Magistrate* maketh use of an absolute power, and so breaketh all bands for the good of humane society] and are not the bonds both of piety and justice now violated? n. 11. He tels us a Tyrant doth take away from one or more members of the *Commonwealth*, free exercise of the orthodox Religion; and n. 12. that for corrupting of youth he erecteth *stage-plays*, *whore houses*, and other play-houses, and suffers the colleges, and other seminaries of learning to be corrupted, and n. 15. that living in luxury, whoredome, greed and idlenesse, he neglecteth, or is unfit for his office.] How these suite our times we need not expresse, Then n. 16. He sayes [he is a Tyrant who doth not defend his Subjects from injuries when he may; but suffereth them to be oppressed] and what if he oppresse them himself? n. 19. [who (sayes he) by immoderat exactions, and the like, exhausts the subjects Jer. 22: ver. 13 14. Ezech. 34. 1 King. 12: 19. Psal. 14: 4.] and n. 10. [who hindereth the free suffrages of Members of Parliament, so that they dare not speak what they would.] & how much of this we finde to be true, is needlesse here to expresse. Then n. 23, 24, &c. he tels us [he is a Tyrant who takes away from the people all power, to resist his tyranny, as armes, strengthes, and chief men, whom therefore though innocent, he hateth, afflicteth and persecuteth, exhausts their goods, and lively-hoods without right or reason] all which he confirmeth by several Scriptures: And how apposite these are to our present case, all know who is not an utter

utter stranger to our matters. So that when we have so many things to alledge, none can justly blame us for saying, that vve are oppressed and borne downe vvith insupportable tyranny; and now we goe on to consider what he sayes.

And as to the first he tells us, Pag. 68. [*That their life and blood was not sought upon any tearmes, there was no forcing them to idolatry, nor falseworshipec, nor frightening them to any thing of that kinde, upon paine of their lives; only for their contempt of the outward ordinances of God, purely administred in an orthodox Church, they were put to pay such moderat fines, as the publick lawes had appoynted: Without any actual invasion of them or their persones. They were the first aggressors, murdering the Kings Servants, and seiseing on his chief officer. They had never before that assayed supplicating, (which was not forbidden them to do, if so be they would have done it without tumults and combinations) but flew to the sword and marched on to mock authority with armed petitions, as they mocked God by sinful prayers, to prosper their evil course.*] *Answ. 1.* What intention there was to seek the life and blood of these People, God koweth: But sure all who knew their case, saw that their life was only left them, that they might feel their misery. So werē they oppressed and harassed, that death would have been chosen rather then life. Were they not beaten, wounded, and bound as beasts, their goods and substance devoured before their eyes? were not their lands and tenements laid waste, and many reduced to beggery? Besides other inhumane barbarities, which they were made to suffer. *2.* We see he would allow it lawful to resist, if the King should force to idolatry and false worship, and what will he do then with his arguments, which will not allow that exception, as they are urged by him? He must necessarily grant that they are inconcludent, & that it holdeth here *Argumentum nihil probat quod nimium probat.* *3.* Howbeit they were not forced to idolatry; yet by the same law, reason and equity (or rather Tyranny and iniquity) they might have been forced to that, as to what they were forced. That is by the law of Tyranny and violent oppression. They were pressed to owne and countenance perjured prophane wicked

wicked and debauched Curates, thrust in upon them contrary to their Privileges, as lawful and duely called Ministers, and thereby to owne and approve of Prelacy which was abjured, and cast out of the Church with detestation, and so to concur in their places and stations with, and give their testimony unto, a most wicked and unparallelable course of defection and Apostacy from God, and his holy wayes and works; and thereby to condemne the Reformation of Religion in doctrine, Worshipe, Discipline and Government, which God had vvonderfully vvrought amongst us, and vvhich all ranks of People vv ere solemnly svorne to maintaine and defend. 4. He talketh of the outvvard ordinances of God purely administred; vvhen all knowv how these profane vvretches, made all vvho ever knevv vvhat the service of the true and living God vv as, to abhorre the offering of the Lord: For they despised the Name of the Lord, and offered polluted bread upon his altar, and made the table of the Lord contemptible, they offered the blinde, the lame, and the sick, and the torne, and thus they vvowed & sacrificed unto the Lord a corrupt thing: Yea their administration of ordinances vv as, and is to this day, rather like histrionick acts, and scenes, then the service of the true and living God: And vvhat sober serious Christian, yea vvhat soul that hath any beleevving apprehensions of the Majesty of God, can be vvitnessse, let be a concurring actor in, and consentor unto, such abomination and idol-like Worshipe. He talkes of an orthodox Church, vvherein perjury and such like abominations are approved and countenanced, maintained and avowed; and vvherein the vvork of Reformation of Religion, in Doctrine, Worshipe, Discipline and Government is condemned; a Covenant abjureing Popery, Prelacy, Prophanesse, Schisme and Heresy, and vvhatsoever is contrary to sound doctrine, and the power of godlinesse, condemned and annulled; and vvherein Atheisme, wickednesse, ignorance, licentiousnesse, and all sort of prophanity, yea and blasphemy aboundeth, and vvherein there is so much Popery and idolatry countenanced and connived at, and such abominations reigning. Our first confession



fession of faith recorded in Parliament *Cap. 18.* giveth this as  
 one note of a true Church viz, That in it *Ecclesiasticall Discipline*  
*be uprightly ministred, as God's Word prescribeth, whereby vice is*  
*repressed & vertue nourished!* But now there is a discipline repug-  
 nant to Gods Word administred, whereby vice is nourished &  
 vertue suppressed. 6. He sayes that the fines were moderate  
 But more immoderate fines, and exorbitant penalties, vvere  
 never imposed by Rulers, except such whose designe was to  
 Tyrannize over the soules and consciences of poor people  
 and to the payment of these transcendently exorbitant penal-  
 ties, they were constrained, not in a legal manner, as it ought  
 to be in a civil and free republick, but in a military, compul-  
 sive, constraineing way, whereby their persones and goods  
 were tyrannically and inhumanely invaded, plundered, de-  
 stroyed, and ruined. 7. It is true, providence so ordered  
 it, that the first that was wounded was one of the souldiers;  
 But *Naphthali* tells him that the countrey men were necessitated  
 thereto in their ovyne defence; for vwhen they but desired  
 the souldiers to loose the poor man, vvhom they had bound  
 hand and foot like a beast, they vvere assaulted vvith  
 drawne swords; and so first and last they vvere invaded, and  
 provoked, & were not the first aggressours: & beside, that  
 was but a meer accidental emergent: & though they had for-  
 mally, without that occurrent provocation, joyned together  
 to have repelled unjust violence, none in reason could have  
 called them the first aggressours, being so long before that  
 time, at two inrodes, beside this last, so barbarously and  
 inhumanely used by *Sr James Turner* that bloody executioner  
 of illegal tyranny, and brutish beastly *Deeg*, who having  
 renounced all humanity & compassion, raged like a wilde beare  
 to the laying waste of that countrey side. So that here was no  
 violent re-offending used without a previous actual invasion  
 made by companies of armed men, sent to eat up, root out and  
 destroy a worthy and precious countrey-side. *An* *imminent*  
*danger* sayes the law, is a sufficient ground to take up armes  
 and that is *not previous strokes but the terrour of armour or threat-*  
*ning L. sed & ff. ad Leg. Aquil. l. 3. quod qui armati ff. de vi*  
*& vi arm. n. a.* Sure here was enough to warrand a Commu-  
 nity

ity to stand to their defence, and to prevente their utter ruine and destruction, which was certainly expected, and this was to them the last and most inexorable case of necessity: And so the places which he citeth out of *Lex Rex* do partly confirme this, and partly are not to the purpose, being spoken of a single person buffeting his master after he hath been buffeted, or having received deaths wounds, seeketh to revenge himself on his aggressor. 8. He tels us they should have first supplicated these in power: But they had supplicated already *Sr James Turner*, and their case was made worse and not the better thereby, and all joynt petitioning was condemned as treasonable, and what could they then have done? The most peacable manner of supplicating, if it had been in a joynt manner, that could have been devised, had been interpreted tumultuous. And Since it was so, what could they do, but after the example of our progenitors, advance with armes in the one hand and a petition in the other? 9. The Prophane man talks of their mocking God by their prayers, and of their spoyling loyal persons: but as they have the testimony of all among whom they were, that they were not to be charged with plundering, taking nothing unlesse it were a few horses, and such things as were necessary for the defence of their lives, and for the welfare of the Countrey, wherein many do suppose they were but too too spareing, seeing the benefite was common to all, and they were to venture their lives, not for themselves alone, but for the whole Countrey: So the Lord gave proof that he hath accepted their endeavours, though it was not his appoynted time to restore our Kingdome, in that he did so signally ovvne and countenance such as vv ere honoured vvith martyrdome, for the Testimony of Iesus, and for his interest and cause. But this man speakes like himself vvhen he addeth *that both they and others have cause to blesse God that they had no successe, which might have been a snare and stumbling block to them and others also.* For vve knovv indeed that it is no small mercy, not to thrive in an evill vvay, and therefore vve think that He and his vvicked fraternity, on whom the Lord is raining snares, by suffering them to thrive, have great cause to lament the blak day that is coming, and

to tremble both for the imminent judgments, and for the dreadful plague and judgement of hardnesse of heart, vvith vvhich they are already visited of the righteous God; Yet vve knovv That a vvay may be his vvay, vvhich he vvill not prosper for a time, till the cup of the *Amorites* be full, and he hath attained his other holy ends, vvhich he designeth in casting his Church into a furnace: And if he judge of causes alvvayes by the event, he shevveth himself a stranger to the Sovereaign vvay of the Lord, in all ages.

As to the other thing, he speaketh *Pag. 10.* and sayeth (*doth not the true protestant Religion as it is held forth in scripture, and was publickly confessed by our first reformers (which confession is Registered Parl. 1. K. James 6.) through God's mercy continue with us, without variation from it in the least? Doth not the Kings majesty protect and advance this blessed Truth of the Saving Gospel, and encourage and invite all, according to his power, to imbrace it? Is he not willing and desirous that the lawes be vigorously executed against papists, and all perverters of this sound doctrine? are any spoiled of their lawful civil libertyes? What one thing hath he done without consent of the Peoples Representatives in Parliament, at which any may except as a grievance? what burden hath he laid upon their Estates, but by law or by their owne consent, in a necessary exigence? Answ. 1.* If the protestant Religion continue without variation, in the least, vvhat meaneth then the bleating of the sheep and lowing of the oxen, in every ones eares? what meaneth the many Jesuites, and Seminary Priests that goe up and downe the land? what meaneth the many masses that are used in severall parts of that land, and in the very heart thereof, in and about Edinbrough? What church discipline is used against these? belike the Prelates have no will to trouble their old brethren, the native and faithful children of their catholick Mother, the whore of *Rome*, because they minde, yet once againe, to take a drink of the cup of her fornications, and to returne as prodigal Children unto their former dear Mother, the bloody harlote, the mother of fornications. And hovv cometh it that one *Mr. Ttry*, formerly a knowvn papist, is admitted to a preeffessorshipe in *St. Andrewes*, vvho not only cannot be reconciled to that minister who motioned the



the giving to him, that *Head* to handle *de anticristo Romano*, but even in his *theses* did assert that the *Pope* was not Antichrist. But what is become of the Religion of the Church of Scotland, as it was reformed in doctrine, worships, discipline and government? What is become of these Covenants which were our strong bulwarks against popery? and what is become of the many acts of Parliament ratifying and approving these Covenants? Are not all these cast away? are not we cast open unto the assaults of that bloody Beast? what meaneth the great increase of the number of papists, so that the very Parliament it self, in their statute 8. sess. 1. (a mock-act never put into execution) sayd that *the number of Iesuites, Priests, and Papists did now abound more, then ever they did under the Government of his father and grand father*? What meaneth the rescinding and annulling the first act of the 12. parl. of K. James 6. holden Anno 1592. in all the heads clauses and articles thereof, in their act 1. sess. 2. whereas that act did not only ratify and approve presbyterial government; but did also ratify and approve all privileges, libertyes, immunities, and freedoms granted by his highnesse his Regents, in his name, or any of his predecessours, to the true and holy Kirke established within the Realme, and declared in the first act of Parliament Anno 1597. and all and whatsoever acts of Parliament and statutes, made before by his Highnesse and his Regents, anent the liberty, and freedom of the said Kirk; and particularly the first act of parl. Anno 1581. and all other particular acts there mentioned: and this act Anno 1581. ratifieth all preceeding acts, particularly that made in the reigne of Queen Mary, Anno 1567. anent abrogating all lawes, acts and constitutiones, canons civil and municipal, with other constitutions contrare to the Religion then professed, and all posteriour acts namely such as abolished the *Pope* and his usurped authority; that annulled the acts made against God's word and for maintainance of Idolatry, the act ratifying the confession of faith of the protestants of Scotland; the act abolishing the Masse, and for punishing hearers and sayers of the same: acts made, anent the admillion of them that shall be presented to benefices having cure of ministry; anent the

King's oath to be given at his coronation; anent such as should beare publick office hereafter; anent teachers of schools; anent the jurisdiction of the Kirk; anent the true and holy kirk; anent the ratification of the liberty of the true Kirk of God and Religion; anent such as are declared not to be of the true Church: And also the said act Anno 1592. ratifieth all other acts made in favours of the Kirk, since the year 1581. So that by this late Act made Anno 1662. all the acts made in favours of the Church and of the protestant Religion, are annulled and rescinded; for there is no exception added, but the said act in all its heads, clauses and articles, is declared null and voide. Where is then our legall security for our protestant Religion, and Libertyes of the Church? Sure these things presage no good to the protestant Religion. But 2. What way the King doth advance this blessed truth of the saving gospel (if he meane hereby the protestant Religion) we are to learne: For his publishing in print that the Papists have been faithful subjects to him and his father, whilest others, under pretence of Religion, had involved the Kingdomes in blood; and by these Papists meaning with others the irish rebells, who, for promoting the Romish bloody designe, executed that bloody Massacre in *Ireland*: the report whereof made all protestants to tremble and to stand astonished, giveth us but small hopes, that so long as he is of that minde, he shall ever do any thing effectually for promoting or maintaineing the Protestant interest: His advancing of Papists to greatest places of publick power and trust *England*, in Parliament, Council, Court, Counteyes, and the Army, speakes rather an encourageing and inviteing of persons to turn Roman Catholicks: His providing a house for Fathers and friers speaks out no good intention and designe. Let the *Surveyer* read what is said to this purpose in the Preface to *Naphtaly*. 3. He tells us that the King is willing and desirous, that the lawes be put in execution against Papists and perverters of sound doctrine; But how cometh it then, that there are no sayers of Messe and feminary Priests senterced, according to the law? Dic  
ever

ever the King write to the Council for suppressing of Popery. as effectually as he hath done for suppressing of conventicles ? Or did he ever chide the Council, or depose any member thereof, or any other inferiour Magistrate, upon the account of their negligence in this ? But be it whose fault it will, sure we are there is more care taken to search out conventicles, then the meetings of Papists or Quakers : Is the Towne of *Edinburgh* under such a bond to suppress meetings for Masse, and others of the like nature ; as they are for suppressing of honest Protestants, meeting for the Worshipe of God according to the purely reformed Religion ? Did ever any Arch - Prelate procure an order from his Majesty to stirr up the leazye council to diligence in this matter ? Wherein I pray doth either the Kings willingnesse, or the vvillingnesse of the Council, or of other Inferiour Magistrates to have the lawes against Priests vigorously put into execution, appear ? And where are we then, when all Magistrates from the highest to the lowest connive at, if not encourage countenance and approve of Papists, and Popish idolatry ; and the true Worshipers of God are hunted out, cast into prison, banished into *America* and *Tangyr*, and made to suffer such inhumane Barbarities, and all to pleasure the perjured Prelates, who are more afrayed of a few honest seekers of God, then if legions of Papists were swarming in the Land, knowing how soon, they would be willing to embrace these serpents in their bosome, and joyne with them to root out the Protestant interest ; whileas they hate the truly godly with a perfect hatred, as being of principles irreconcilable with theirs, and having ends before their eyes diametrically opposite to what these intend ? Yea, where are we, when almost all the Rules proposed by *Adam Contens* the Jesuite, for introducing of Popery, in his *Polit. Lib. 2. Cap. 18.* are so exactly followed : as when he adviseth that 1. They proceed as musitians do in tuncing their instruments, gradually, and piece by piece. 2. That they presse the Examples of some eminent Men as a meane to draw the rest. 3. That Arch-heretikes (that is most Zealous Protestants) be banished all at once, or if that cannot be done



saifly, by degrees. 4. That such be put from their dignities and all place & power of trust. 5. That Protestant Religion be made odious, by loading such of their opinions, as are most obvious to a harsh construction. 5. That they foment the quarrels that are among Protestants, and strengthen that party that is most ready to comply with *Rome*. 7. That they discharge and hinder all private conventicles of Protestants. 8. That severe Lawes be made, and rigorously executed (though not against all, yet) against the most dangerous. Who seeth not, what a conformity there hath been and yet is, betwixt the practices of this Apostate, Popish, Prelatical and Malignant faction, which hath now destroyed the work of God, and those Rules mentioned? And what lyeth latent under board the Lord knoweth. 4. He asketh the question if any of the People of the Land be spoiled of their lawful civil libertyes? As if a man should enquire if the Sun were risen at twelve houres of the day. Our Religion reformed in doctrine, Worshipe, Discipline and Government, which was one of our maine civil & most lawful libertyes, is taken from us. The liberty of supplicating, which the Law of God, the Law of Nature, and the Law of Nations allow, is taken from us. The liberty of free election of Members of Parliament, was taken away. Liberty of protesting in Parliament was taken away. The Kings prerogative is screwed up to such a hieght, that it overturnes the true native libertyes of the Subjects. Many honest Subjects are cast into prisone, no transgression being once alledged far lesse proved against them. The due exercise of their Religion as was covenanted, is taken away. Lawes are not executed in a civil manner, as they ought to be among free Subjects. Iudicatories are set up and erected without the consent of the People, or their Representatives. Libertyes and Privileges of brughes and such incorporations are taken away, unlesse they will renounce and abjure a lawful, religious, and necessary Covenant. The free exercise of justice especially against Nobles, is stopped. The Lieges are not ruled by the Lawes of the Land, but by the arbitrary will and lust of a few Prelates and the privy Council. Will he ask now if our libertyes be taken from us?

or will he call these unlawful? 5. He asketh in the next place, what one thing the King hath done, without consent of the Peoples Representatives in Parliament, at vvhich any may except as a grievance. It seemeth he is either of a very short Memory, or he thinks the High commission-court a very small inconsiderable businesse; for the consent of Parliament vvas never had unto this inquisition-court, neither of old, nor of late: And yet this was such an heavy yoke of bondage, that made all the land to groan, and against which, as a most intolerable grievance, all the corners of the countrey could give in their exceptions. And as for this late Representative (so called,) they have enacted many things contrare to their power and trust, as vve have shewed: No power under heaven could enact what they have enacted: No power under heaven could anul, condemne, and rescinde lawful Covenants made with the most high God: They were not *in tunc* to rescinde and anul unalterable lawes, more firme and fixed, then any Lawes of the *Medes* and *Persians*; For lawes confirmed with oathes, and solemne vowes to God, are not ambulatory, as other politick lawes. And therefore all the lawes being good and necessary in their owne nature, by the supervement addition of an oath confirming and ratifying the same, became absolutely unalterable by any Man or company of Men whatsoever. So that all the lawes made by King and Parliament to the prejudice of the Covenanted work of reformation, are intolerable grievances, dishonourable to God, and prejudicial to the welfare of the Subject; and to which, neither People, nor their Representatives real or supposed, could ever lawfully consent. 6. He asketh what burden he hath laid upon their Estates, but by Law? But this is a vaine flourish, seeing all that know what that Parliament was, know how prone and ready it was, to devote (if it could) unto the lust of the King, the Souls, Consciences, Estates, and all which the Subjects had, little regarding either the true liberty or reall advantage of the people.

## C A P. XVII.

## The Objections of others examined.

**W**E have now examined all which this *Surveyer* hath said against us, in the poynt of resistance; yet that we may satisfy (if possible) all persons and parties touching the lawfulness of this act, of private persons defending themselves and their Religion from manifest Tyranny and oppression, we shall remove likewise such other objections, as some others are pleased to make use of; and which our *Surveyer* hath possibly forgotten to adduce.

1. *Obj.* Subjects are obliged to performe all duties of obedience and fidelity unto their Magistrates, and albeit the Magistrate turne a manifest Tyrant, every one cannot loose that obligation at his owne hand. *Hoën. Disp. Pol. 9. Thes. 55. Ans. 1.* Subjects, as we have seen, are but conditionally obliged to performe these duties unto the Magistrate, and not absolutely, whether he play the Tyrant or not, by *Hoënonius* his owne confession. 2. Though each particular person can not loose the obligation when he will; yet when the Tyrant hath, by his acts of tyranny, loosed the obligation upon his part, a body of a People or a considerable part thereof, may defend themselves against his tyranny, as if there were no obligation betwixt him and them. 3. Though the obligation stand uncanceled, and not abrogated, resistance may be granted; for a Sonne may resist his Father, and a Wife her Husband, though the obligation continue firme and not dissolved.

*Obj. 2.* By this meanes a window should be opened to all seditions, conspiracies and rebellions, *Hoën. ubi supra. Ans. Incommodum non tollit argumentum.* The abuse of a liberty doth not destroy the liberty. 2. By this argument absolute and unlimited obedience might be pressed, lest if private persones might refuse obedience, a door for all sedition and disobedience should be opened. 3. By the contrary assertion, a door shal be opened to all Tyranny and oppression.



oppression, which should tend not only to the disquieting of the peace, but to the ruine and destruction of the Commonwealth.

*Obj.* 3. Subjects are to pray for their Magistrates, *Hoen. ibid.* *Ans.* True, but the consequence is naught. Therefore I may not resist them, when they tyrannize and oppress unjustly, it doth not follow. I must pray for my equals and inferiours, and open enemies, whose unjust violence, I may notwithstanding resist.

*Obj.* 4. A son may not do violence to his Father though never so unworthy; for no impiety can be punished by parricide: Far lesse may violence be done to the Prince, who is the Father of the Countrey, *Hoen. ib.* *Ans.* 1. This *simile* halteth as we have shewed. 2. If the Father abuse his power, the law will deprive him of it, *L. 6. Lenones, L. 7. C. de Inf. expos. L. 2. C. de Parent. qui Fil. distrax. L. 2. de his qui sunt sui vel alieni iuris §. sed Domin. Inst. D. Titul. L. ult. si quis a Parente manumissus.* 3. The *simile* is for us who plead only for resistance, as we shewed, not for killing and destroying Tyrants. 4. If the Son be a Judge and the Father a malefactor, the Son must execute judgement on the Father.

*Obj.* 5. Destroying of the head, though it be sickly and tender, tends to the destruction of the whole body, *Hoenon. ibid.* *Ans.* There is no such connexion betwixt King and Subjects, as betwixt Head and Members of our natural bodyes. A Tyrant may be, and often hath been, destroyed, and the body of the Republick hath remained intire and in better condition then formerly. 2. Opposition may be so made to the Head, that it destroy not the noble parts, with defluxions sent downe thence; and it must, to prevent the destruction of the body, be purged: so may a Tyrant be resisted for the saifty of the Commonwealth.

*Obj.* 6. It is better to have a sick head, then no head. *id. ibid.* *Ans.* *Datur tertium*, there is a third, a sound wholesome head. 2. A commonwealth needs not want a head long.

*Obj.* 7. There is greater hazard in casting out a Tyrant, then in suffering tyranny, *idem ibid.* *Ans.* 1. resistance may be without destroying or casting out of a Tyrant. 2. That hazard

hazard speaks not to the lawfulness or unlawfulness of the thing, but only to the expediency or in expediency of it; which is a different question: An interprize may be hazardous and yet lawful. 3. It will not alwayes be found to be such a hazardous thing, even to cast away Tyrants; as to suffer them to tyrannize.

Obj. 8. A Tyrant can never be destroyed, without the ruine of these who have destroyed him, for some of his posterity will avenge the quarrel, *id. ibid. Answ.* 1. We have many instances to the contrary in the Book of God: See the Books of the Judges and Kings: who of *Joram's* posterity avenged his death, on *Jehu* or his posterity? 2. A Tyrant may be resisted lawfully notwithstanding of such difficulties.

Obj. 9. God punished the wicked Kings of the Jewes not by the Jewes, but by strangers, *id. ibid. Answ.* This is contrare to many examples in Scripture. *Jehu* was no stranger. 2. We speak not of punishing wicked Kings, but of resisting their unjust violence.

Obj. 10. *David* spared *Saul*, 1 *Sam.* 24, and 26. Whom he might lawfully have killed, as some think, because he had given *David's* Wife to another, had banished him and his Parents out of the countrey, and had killed the Priests, *id. ibid. Answ.* If *David* was a publick Judge, and might lawfully have killed *Saul* for his injustice, murder, and oppression, and did it not, I see not how he can be justified: But to me it is a question if *David* was any other then a private person, so long as *Saul* lived: and his resisting of *Saul*, and defending himself with armed men against his fury, doth abundantly confirme what we say.

Object. 11. *Jeremiah* doth not arme the jewes against *Nebuchadnezar* with a sword, but with prayers for him *id. ibid. Answer.* 1. We have not *Jeremiahs* now to reveal God's minde to us extraordinarily. 2. If this were a standing precedent, The Supream Magistrate might not defend himself and his subjects, against a forraigne Enemy, comeing to destroy and conquere the land: for *Jeremiah* commanded the King to submit to *Nebuchadnezar*.

*Object. 12.* Christ commandeth tribute and not poyson to be given to Princes. *Id. Ibid.* *Ans.* We plead not for poysoning of Princes, but for resisting their unjust violence, against which Christ doth not speak: but rather he ought to have remembered these words *Let him that hath no sword sell his coat and buy one.*

*Obj. 13.* *Paul Act. 23: ver. 5.* Will not have an evil Prince so much as cursed *Id. Ibid.* *Ans.* Then no Magistrate, no not an inferiour should be resisted; for such may not be cursed, doing their duty. 2. We may not curse nor revile any of our equalls or inferiours *Mat. 5: v. 44. Rom. 12: v. 14. Livit. 19: ver. 14. and 20: v. 9. 1 Cor. 6: ver. 10.* and yet such using violence against us may be resisted; we may not curse the rich *Eccles. 10: 20.* and yet they may be resisted, when violently and injuriously they assault us.

*Obj. 14.* War is not lawfully undertaken without the warrant of the Superiour: But Subjects have no superiority or authority over the Magistrate. *Gerhard de Magistr. Pöl. §. 483.* *Ans.* 1. A war defensive may be undertaken without the expresse warrant of the Superiour. 2. Defence may be used by such as are inferiour to the aggressors, as by a Wife, a Son, a Servant, as is shewed; yea the injurer is ever *causis* inferiour to the injured, in Law.

*Obj. 5.* Christ sayd *Mat. 26: ver. 52.* that *such as took the sword should perish by the sword. Id. Ibid.* *Ans.* That is true of such as useth the sword, further then God hath allowed, or contrare to his expresse revealed will, but not of such as have a lawfull call thereto by the Law of Nature, and use it in their sinlesse defence, when there is no countermmand of God. Which place we have abundantly vindicat already, where we shewed that his commanding them *to sell their coat to buy swords* sufficiently warranteth this self defence: And though some do take that speech to be allegorick, yet the whole context cleareth that it is meaned of swords of steel; for they said, *Here are two swords, and he said it is enough.* Sure these were swords of outward mettall, as the event proved: And to answere *Mat. 26: ver. 52.* with *Luk. 22: ver. 39.* is not to let Scriptures by the eares, but a solid way of answering an



argument brought from abused Scripture, as Christ's practice teacheth us, answering the devil's argument taken from *Psal.* 91: 11. by producing another passage *Deut.* 6: 16. see *Mat.* 4: 6, 7.

*Obj.* 16. The example of the saints in the Old and New Testament is against it; neither the Prophets nor Apostles gave this Command, but rather prescribed unto them patience, and prayers. That Citizen of *Nicomedia*, was condemned of all, who tore in pieces the Emperour's edict against the Christians, *Id. Ibid.* *Ans.* 1. We have seen instances both in the time of the Old Testament, and in the dayes of the New Testament, making for us. 2. We finde not the Prophets nor Apostles forbidding this. 3. Their pressing to patience and prayers is not repugnant to this innocent resistance: we may pray against forraigne invaders, yet may we resist them. 4. Tearing of the Emperour's edict is no act of self defence.

*Obj.* 17. This would close up the way of persones acquiring the crowne of Martyrdome, *Id. Ibid.* *Ans.* If upon this account private persons might not resist Magistrates, neither might inferiour Magistrates resist the supream, which yet he will not condemne. Yea 2. If this ground hold, the Supream Magistrate might not resist an army comeing to destroy him and all his Kingdome, for Religion, but He and all were bound to hold up their throats that they might receive the Crowne of Martyrdome. 3. It is good to waite for this Crowne in God's way, and not to run to the stake without a cleare call: and if People may fairly and with a cleare conscience, deliver themselves, it is a question if they be called to suffer.

*Obj.* 18. Some adduce that place *Eccles.* 8: ver. 2, 3, 4. *I counsel thee to keep the Kings command and that in regard of the oath of God ——— he doth whatsoever pleaseth him, where the word of a King is there is power, and who may say unto him what dost thou?* *Ans.* 1. Will it hence follow that we must obey all the Kings unjust, unlawful and iniquous commands? No true Christian can say so. Neither will it hence follow, that in no case he may be resisted. 2. Kings way not *de jure* do what they please

please, but they have power to execute the Law in way of Justice, which is the thing that they as Kings should and do please: And therefore, we should not stand in an evil matter. 3. Notwithstanding of this, Princes have been rebuked, 2 *Sam.* 12: ver. 7. and resisted 2 *Chron.* 27: ver. 17, 18, 19, 20. and so the meaning is, no man must question his just actions warranted by his lawfull authority. Or, it is but folly for a man to strive with such an one, as is able to execute his cruelty and to do what he will: see the *English* notes on the place, and *Mr Iackson's*: but as this doth not justify Kings in their oppressing; so neither doth it condemne a resisting of their tyranny, more then the resisting of the oppressing violence of some mighty robber, who hath power to do what mischief he will, whom yet lawfully we may resist if we be able.

*Obj.* 19. The author of *an appeal to conscience* adduceth that place *Psal.* 105: ver. 15. *Touch not mine anoynted.* *Answ.* Hence it clearly followeth that Kings and Princes should not exjure the Saints and Servants of God; for this was meant of *Abraham*, *Isaac*, and *Jacob*, and of their Wives and Families, who were sojourning as strangers from Nation to Nation, as the context cleareth, and the words following *and do my Prophets no harme.* And so relateth to vvhhat vve heare *Gen.* 12: v. 10, 10 20. *Ec.* 2 0: 1. *Ec.* 26: 1. *Ec.* & is not meant of Kings and Princes as such. So that this anoynting is such as is common to Priests and Prophets, & to all the saints vvho are spiritually anoynted, and so become Kings & Priests unto God 1 *Pet.* 2: 5. *Rev.* 1: 6. and 5: 10.

*Obj.* 20. *D. Ferne*, *Resolving of conscience* vvould prove from 1 *Sam.* 8: ver. 18. that subjects may do nothing against Tyrants, but cry to the Lord. So *Grotius.* *Answ.* *Subordinata non nugnant.* We may both cry to the Lord and resist, as *Judg.* 10. *Exod.* 14. 2 *Chron.* 32: v. 20. 2 *King.* 19. 2 *Chron.* 14: v. 9. *Ec.* 13: 14, 15, 16. 2. The text saith not, *they should have no other remedy left them but crying*; or that it should be layvful for them to do no other thing. We finde that they resisted this King, vvhen he vvvas about to kill innocent *Ionathan*. 3. The vvords at most but import a prohibition of attempting to  
have



have the government changed from King to judges 4. Suppose it were so; yet, it importing only a punishment unto them for their importunate and headstrong affecting of a King, will not in reason reach other Nations not guilty of this crime. Yea 5. This prædiction could not bind up their owne hands from a defence; but at most import, That all their resistance or defence should be in vaine, through God's not hearing or helping them in resisting.

*Obj. 21.* The author of *an appeal to thy conscience* proposeth this argument. That evil Kings and Tyrants are afflictions and punishments inflicted on us by God. Therefore we should submit patiently, and not resist. *Ans.* The consequence is nought, for so are forraigne enemies, the rising up of inferiours against us, sicknesse and paines on our bodies, and the like, and yet these may very lawfully be resisted.

*Obj. 22.* Equals have no power over equals, much lesse have inferiours over Magistrates *Alber. Gentil. in. dispp. regalib.* *Ans.* Superiority is not requisite to lawful defence, as is said: 2. A Tyrant as such is no Magistrate, but a private person.

*Obj. 23.* No punishment for Tyrants but vexation of conscience *id. ib.* *Ans.* All evil doers may expect that punishment as well as Tyrants, and yet they may be resisted, yea and punished with civil punishments.

*Obj. 24.* The removing of a Tyrant occasioneth civil warres, which makes the remedy worse then the disease *id. ib.* *Ans.* 1. We speak not of removing Tyrants; but of resisting them. 2. This is the way to prevent ruine and destruction to the Commonwealth, even to resist Tyranny. 3. A civil warr may be more advantageous for Religion and the libertyes of the subjects, and so preferable to a brutish submission to illegal tyranny: And every kinde of evil is not to be endured for avoyding a worse in probability? 4. Desperate diseases must have desperate cures; and it is better to hazard some thing in a warr, then lose all: We know not what the event may be, we are bound to defend Religion, and the libertyes of the countrey, and commit the event to God. 5. It hath been found that the putting away of a Tyrant, hath proved



proved very advantageous to the Countrey, and to Religion: and hereby all their losse by warr was more then abundantly repayed: yea and sometimes this hath been obtained without much shedding of blood.

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## C A P. XVIII.

How weakly & foolishly The Surveyer maintaineth the Union of his Majestie's Dominions, is cleared.

**H**AVING thus discussed all which the *Surveyer* hath in his railing pamphlet said, against this truth which we have maintained; and having (sufficiently as we suppose) vindicated the Peoples right to defend themselves, and their Covenanted Religion, from manifest and intolerable violence and oppression, we might without the least injury imaginable to our cause, wave the examination of what he Principally aimeth at *Cap. 1. § 3. § 4.* as being extrinseck to the present question, and because we are not necessitated to maintaine these opinions which he setteth himself against in those chapters, our question being distinct from those, and easily maintained without touching upon those rockes. But yet because this windy man would faine make his Majesty beleieve that he had not gotten his reward for nothing, but that he had done some notable piece of service vvorthy of it; And had discovered some rare secret, the discovery of which, is of no small advantage, but of great use both for the preservation of the union of his Majestie's dominions, and for the saving of his life from the stroke of adversaries; we shall manifest how little ground he hath to father any of these assertions on *Naphthali*, and then discover how weakly and foolishly he maintaineth his Majestie's cause, in both these; that al the world may see, that he hath come short of performing that service to his Maj. which he here undertaketh; & that he

he hath been so far from laying the devil after he had raised him, that he hath done his Maj. no small piece of disservice in starting questions so dangerous to his Majesty's Kingdomes and life, when he had no ground given him; and after he had moved the question, lest it worse then he found it; and so did little lesse then invite such as pleased, to doe what he alledgeth *Naphialy* and his complices had a minde to do.

The first question which he speakes to Chap. 7. Is touching the dissolving of humane societies, which in some cases politicians will yeeld to. see *Althus. pol. c. 38. n. 76.* And the thing he driveth at, is to fasten on the honest party a resolution and designe, to dissipate and dissolve the immemorially settled frame (as he loveth to speak *Pag. 9.*) of that Nation and Kingdome, which through divine providence hath in many generations subsisted under our lawful Soveraignes, for the common benefite of subjects at home, and to the honour and renown of the Nation abroad; yea and to the glory of divine providence, which hath through many stormes in several ages, preserved us in this comfortable constitution. And this he deviseth of his owne wicked heart, of purpose to make these cordiall lovers of Religion and of their Countrey, hateful to all the world, if he could; and therefore he would represente them as men of strange principles, & purposes. But wo to such as make lyes their refuge! This man thinketh to make the King glade with his lyes, but we know that the mouth of such as speak lyes shall be stopped.

But sure one would think that he behoved to have some clear ground to walk upon in asserting this of us, and especially when he is at the paines to spend a whole chapter, to confute it. And yet vvhhen he hath rambled up and downe that book of *Naphiali*, to seek out a ground for this assertion, he can not adduce any one sentence, that even with half an eye doth look thereaway, except one, which yet hath no such designe or import. The sentence is this *Pag. 150.* [*That through the Manifest and notorious perversion of the great ends of Sociery, and government, the band thereof being dissolved, the persons one or*



*more thus liberated therefrom, do relapse into their primeve liberty and privilege, and accordingly as the similitude of their case, and exigence of their cause doth require, may upon the very same principles againe joyne and associate for their better defence and preservation, as they did at first enter into Societies.]* For clearing of which these things would be observed.

1. That the author there is only adding a few observations, to cleare the innocency of these noble witnesses, who died owning the interest and cause of Christ, and to shew how free they were of the crime of rebellion, with which they were charged. Now all know that as these worthies, had no designe, of erecting themselves into a distinct commonwealth, nor to make such a civil politick separation from the rest of the land; so the way which they took, did directly tend to have the whole land united unto God, and among themselves, as one for God and to God, in the bond of the Solemne league and covenant. Had they designed such a separation, they behoved also to have chosen more apposite & fit meanes, then these were which they did use, as any of halfe a judgment may perceive.

2. That as the maine and only designe of these worthies, was to defend themselves and their Covenanted Religion, from manifest oppression and tyranny, and to have the land recovered from that wofull course of backsliding and departing from the Lord, whereof it was guilty, and wherein it had lyen for many dayes: So, This author is only clearing their innocency, as to that: and therefore in the first observation *Pag. 147.* He cleareth the native ground of *self preservation*: and in the 2. How the perverting of the ends of government doth not destroy this native right, but that then people are as free to defend themselves as ever, even against the oppressing *Powers*, who in that case, according to King *James* his testimony and practice, become Tyrants, and are to be resisted: and in the 3. How all powers are obliged, if not expressly, yet tacitely, to walk in a due subordination to God, and to prosecute these great ends of government: and particularly in the 4. How our King is bound by the awes of the land, and by his coronation-covenant oath, to

Rule



Rule for God and the good of the People : And in the  
 How all even the most Malignantly affected, would assen-  
 to this, as an undoubted truth, in their owne particular cases  
 And cometh in the 6. Place to the words cited, which  
 must have the same import and tendency, to wit, to clear  
 the innocency of private persones self-defence, and defence  
 of Religion, when the powers which should minde and  
 study according to their place & power, to promote the great  
 ends of society and government *viz.* the glory of God, and  
 the good of the Subjects in soul and body, do manifestly and  
 notoriously pervert these ends, and preferre themselves, and  
 their owne lusts, unto the will and glory of God, and to  
 the good of the People. The same is also cleare from the  
 following observations, which do manifestly poynt at the  
 clearing of people being bound in duty to defend them-  
 selves and their Religion, conforme to their engagements  
 vowes and Covenants, which still stand in force, notwith-  
 standing of any thing done to the contrary of late, in their acts  
 rescissory and condemnatory.

3. The very words themselves, to any who is not utterly  
 blinded with prejudice, can import no more then that, when  
 through the notorious and manifest perversion of the great  
 ends of society and government, the bond thereof is  
 dissolved, and the persons now relapsing into their Primeve  
 liberty and privilege, may no lesse now joyne and associate  
 together, to defend Themselves and their Religion, then  
 at first they entered into societies: For, as their entering into  
 societies was for this end, and their setting up of Magistrates  
 over themselves was for this end; so when the Magistrates  
 crosse their end and rule, and thereby annul the relation, or  
 make it invalide for the ends, they may joyne together now  
 for these ends, as they might have done before the formal  
 institution of Government. And who can deny this to be a  
 truth? Or who can hence inferre (but he who is of a per-  
 verse spirit, and for his perverse ends seeketh to pervert all  
 things) that he pleadeth for the lawfulness of Peoples crum-  
 bling together in lesser fractions and petty commonweal-  
 thes.

4. Suppose

4. Suppose the words should be capable of that glosse, which the *Surveyer* putteth upon them; yet as they lye connected with what preceedeth and with what followeth, they can, at most, be but a *Medium* for proving the intended conclusion; and so must be considered as founding an argument *a Majori ad minus*, from the more to the lesse; To this purpose: if when through the manifest and notorious perversion of the great Ends of society and government, the bond thereof is dissolved, and persons relapse into their primeve liberty, so that according as the similitude of their case, and exigence of their cause requireth, upon the same principles, they may againe associate and combine into new and distinct Societies and Commonwealthes, for their defence and preservation: Then much more may they lawfully now joyne and associate together for their defence and preservation, without making any such rupture, or new erections; but endeavouring to keep the old Society firme and intire, undissolved, and unweakened. So that though his glosse should be admitted, he doth but bewray the ignorance of his capricious braine, to take the *Medium* for the conclusion. And the antecedent will be granted by politicians, and is expressly asserted by *Althusius*, *Polit. Cap. 20. Num. 20.* in case the Prince keep not his promise, but violate his faith and Covenant.

5. Suppose also that this which he alledgeth had been the authors positive assertion, can he hence inferre with any colour of reason, that it was or is the designe of the author and his party, to dissipate and dissolve the old settled frame of this Kingdome, and erect new Commonwealthes with evv distinct Sovereignes? Seing every one knoweth, hat many things are lawfull, vvhich are not expedient, convenient nor necessary; & that it vv ere the result of no mature deliberation, but of madnesse and folly, to intend and designe such a thing, vvhich (though lawfull in it self, yet) all things considered vv ere, very inexpedient and unnecessary, ea not only not advantageous to their ends and purposes, but quite destructive thereof.

Now since the *Surveyer* hath dravvne in this controversy by the eares, and set it in the front of his learned and elaborate pamphlet, vve must suppose him one vvho is vvell versed in this topick, and can give a good account of his politick notions touching this quæstion. But alas if he had a real adversary to deal vvith (as novv he doth but faigne one to himself: & it is easy fighting against a man of stravv, or one of our ovvne making) his ridiculous and yet audacious folly, vvould easily be made to appear: his adversary vvould laugh (as indeed he vvould have cause) at the shakeing of his spear.

He maketh this the *thesis* which he undertaketh to confirme. That *[When politick bodies are settled in voluntary associations, or whatever way in the course of divine providence, they have been reduced to live under the same lawes and authorities, and have continued long in the union of a common interest, under the protection of Magistracy, to break off from the body in seditious secessions, cannot but be displeasing to God; and they are no other then firebrands, confounders of humane society, fighters against God and his ordinance, who instigate People to cut off themselves from the body of the Commonwealth whereof they are members.]* But would not his adversary tell him that he had granted as much in the words immediately preceeding, as would make him and his position both ridiculous: For he hath granted *That the Lord hath not by any precept particularly determined the bounds of every embodied political society, There being some greater, and some lesser, acting under their severall heads and souveraigne Magistrates.* And seing neither God nor Nature hath determined the quantity and extent of each Republick or embodied Politick Society what more affinity hath it with sinful sedition, to say that greater bodies may be divided and subdivided into lesser Republicks, then to say that moe lesser bodies may associate together to make one greater, especially seing Politicians tell us that the ends of government are more easily attained in a lesser Republick, then in a greater; and that mid way commonwealth neither too large, nor too little, is the best, as being lesse subject to vices and greater calamities as was to be seen in the Roman Republick before it was enlarged



larged in the dayes of *Marius*, *Sylla*, *Pompey*, and *Cæsar*, and is to be seen this day in the Commonwealth of Venice, and the like, as *Althusius* shewes us, *Polit. Cap. 9. num. 11.* The time was when all the World was under one head, and after they were multiplied, they became distinct Republicks without any sinful or seditious secession. The time was when all these westerne parts were under one Emperour, and was nothing but a seditious secession, caused by firebrands, the ground of their becoming many and distinct Republicks? The time was when *Scotland*, *England*, and *Ireland*, were distinct Kingdomes, and under distinct Sovereigne Magistrates, and what repugnancy were it either to the Law of God or Nature, to say they might be so againe? So were there once Seven Kings in *England* at once; and moe then one King in *Scotland* at once: and by no reason can he prove that it should alwayes be, as it is at present, but by the same reason his adversaries could prove him guilty of treason; for he behoved to say, that because we were once all under one Emperour, we ought to be so still, and that the King must either hold his crowne of the Emperour, or be an usurper and a seditious rebell; for in the course of providence we were then reduced under the same Lawes and Authorities, and continued in the union of a common interest for some good space of time, Yea and observe many of these civil Lawes yet. Thus we see whither this advocate will drive the matter, and how little service he doth his Majesty for all his rich recompence.

But it may be his arguments are cogent and binding: He hath many words, *Pag. 4, § 5.* to prove that this is contrary to Religion. The sum is this. [*Never greater perversion of government then in the times of many of the Prophets, and in the dayes of Christ, and his holy Apostles, and primitive Christians, and yet this was never their doctrine or sense.*] *Ans.* Is this all that he can say, to prove that this is contrary to Religion? sure his adversary will think that he hath little Religion who sayth so, and that he hath far lesse loyalty to his Master the King of Great Britane; for why? Because contrare to the doctrine of Christ and the Apostles, and the sense of all the

primitive Christians, he acknowledgeth the King of Britane to be a distinct King from the Roman Emperour, and not to depend upon him. They never taught that *Britane* and *Ireland* should be ruled by a King distinct from him, and that these Islands should be separate from the Roman Empire, and so the King holds his Crowne by usurpation, and by an irreligious secession from the Empire, which neither Christ nor his Apostles ever taught, and must not this man and not we, acknowledge *Judas* of *Galilee*, and *Theudas* to be his Masters: For they taught (especially the first, as *Iosephus*, and *Rossinus* out of him shew us) that no tribute should be given to the Roman Emperour; and he will do the same, and say that it should be payed to King *Charles the II*. Next his adversary would tell him, that if this were held and maintained as a poynt absolutely necessary to salvation, then his argument would say something; But seeing it is only held as lawfull, and according as providence determineth it to be convenient or inconvenient, to be practicable, it is sufficient if the doctrine of the Prophets and of Christ and his Apostles, do not condemne it, as simply sinful: And that by this argument of his, it should be utterly unlawful now for *France* and *Holland*, and other adjacent Countreyes, to joyne together in one: and proclame King *Charles* their Sovereigne Lord and King: because neither Prophets nor Apostles taught any such doctrine, that many severall societies should joyne together under one head: And who is a friend to the Kings greatnesse now? If this man be worthy of his wages, let all the World judge. Moreover they would tell him, that in the dayes of some of the Prophets, there was a greater dissipation and secession, then any that is now desired, when the Ten tribes separated themselves from the other two, in the dayes of *Rehoboam* and erected themselves in a distinct Republick, under a distinct Supream Magistrate; and we finde not this reprov'd by any of the Prophets, yea we finde a Prophet sent to tell *Ieroboam* that God would give him Ten Tribes, 1 *King. 11: ver. 21*, &c. and when *Rehoboam* would goe and reduce them under his subjection by the power of the sword, we finde another Prophet

phet sent to dissuade him, in the Name of the Lord, 1 King. 12: ver. 22, &c. and saying that that *was from the Lord*. And sure this positive is as forcible, as his negative. And further, even in the dayes of the primitive Christians, the Roman Empire was divided, and how it is now subdivided and re-subdivided into many fractions, we all know; and can he shew us where any of the godly zealous Christians and servants of God spoke against this as a seditious practice?

But it may be that he will prove this assertion, though not dissonant to Religion; yet dissonant to sound reason. Let us hear how he doth it? [*For (sayes he Pag. 5.) it hath a clear tendency to break in pieces all humane societies — which no wit of man can preserve from dissolution, if this principle be drunk in: For by this Man's opinion, the judgement of the perversion of the ends of government is put over to the discretion of the sufferers of prejudice, and they are accordingly to determine their actions, and nothing should hinder them but want of probable capacity to through their work,*] But poor Man, as he hath made shipwreck of faith and of a good conscience, so hath he made shipwreck of his reason also; for his adversary would now think the cause won: For grant once that a secession and separation may be made, when the ends of government are manifestly perverted, and they will seek no more, for they will readily grant it ought not to be, when there is no just cause, suppose that a great part should in their discretion judge there were real cause; And where is he now? Where is the position that is so dissonant to Religion and Reason? Will he also owne it? Did *Naphthali* say that when ever a few of a society thought in their judgement of discretion, that the ends of government were perverted, they were relapsed into their primæve state of liberty, and free to make separations from the old society and associate into new combinations? And since he did not say so, how can this advocate make his position appeare dissonant either to Religion or Reason? But the man, let him be never so well hired, is obliged to reason no better then he can. Let him grant (and he cannot well deny it) that it is lawful for a greater society to divide into two or more lesser, when the ends of government are really and manifestly per-



verted, in that greater society so united, and his adversaries will soon satisfy him (if he be rational, or a man fit for society who will be ruled with reason) concerning the judgement of that perversion. He but exposeth himself to pity, when he cryeth out (taking also God's name in vaine) [*To what times are we reserved, wherein the unmeasurable audaciousnesse of Men dar present such poyson to a Christian People, and to attempt the breaking them in pieces by such doctrines which both Religion and sound Reason abhorres.*] For no body hath either seen Religion nor sound Reason alleged against that position (which he sayeth *Naphsaly* setteth down.) But we will see more of this vaine Man's ridiculous ranting in the following words [*Dar this libeller (so speaketh this non-sensical railer) say that this is a fundamental constitution of political societies, that at the artivirement and lust of any minor part of private persons, pretending a perversion of the ends of government (a pretence that will never be wanting to Malecontents and Malapert wicked ones, Even Katherines and highlandish theevs, and it is real to them if they themselves be admitted judges) they may make secession from the society in which they are embodied, and renunce their obligation to the government thereof.*] Now he soares high in his scurril rhetorik, and as ornaments of his discourse, he must bring in his *Katherines* and *Highlandish theeves*, but to what purpose is all this superfluity of vaine empty words? Where or when said *Naphsaly*, That that was the fundamental Constitution of politick societies? What rational Man ever said so? Is this the only thing which he denyeth? Sure he is an ill maintainer of the union of his Majesties dominions; for his adversaries will grant all this, and yet say and be able to maintaine (for any thing that he hath said) that when the Ends of government are manifestly and notoriously perverted, People relapseing into their primæve liberty and privilege, may, according as the exigent of their case requireth, associate into new societies for their defence and preservation. But he addeth *Pag. 6.* [*Suppose there be a breaking off, upon that pretension (which will never be wanting to cover sedition and confusion) of perversion of the ends of government, the party making secession may haply meet with the same measure they gave, for if a minor party arise among them*  
with

*with the same accusations, must they not have the same privilege? And where shall there be a stand?* ] His adversaries would soon reply, that whatever be in that absurdity, it doth not concerne them, for they plead not for a dissolution upon a meer pretension of this perversion: And beside, they plead not for it, even where there is a real and notour perversion, as a thing necessary, which they must goe about, never once consulting whether it be expedient or inexpedient, and whether they see a more feazable way of attaineing the ends of government, without such perversion, after the separation is made, then before, or not: But only as a thing lawful, which may be done when they see it most convenient for the ends of government: And when they walk by this rule and principle, they will soon see where to make a stand. For they will finde that the crumbling of Societies into too many and too small bodyes, would put them as far from attaineing the ends of government, as they were while associated in a greater body. And this is all which he hath to this purpose. For as touching his application of this *pag. 9. and 10.* and alleging that there is no perversion of the Ends of government now, it hath been spoken to already, and his adversaries in this position (if there be any such, which I am ignorant of) will think and make out, that the ends of government are so far perverted, that if there were no other thing lying in the way of a secession, then vvhath he hath said, they vwould think it of concernment to minde this outgate, vvhich they had no thoughts of before. And the King should then think himself little obliged to this man and his defences, and wish that he had been sleeping when he wakened such a debate, and himself had bestowed his gold another way: For sure, if such a thing were upon the heart of People now (as I hope & am confident it is not) they will professe themselves obliged to this *Surveyer*, for putting it in to their head first, and that all which he hath said against it, would rather invite and encourage them to it, then discourage them from it.

May not then this Man be ashamed to take his Majesties Money, and do so bad service for it, as he hath done? But

Some will possibly say what could any person have said more; Well, though some should think me officious to take his Majesties part and defend his cause, un-hired, yea and undesired, yet I will propose one thing, which I am confident, shall be more effectual, for preserving the immemorially settled frame of this Nation, and the union of all his Majesties Dominions, to all generations, without dissipation or dissolution, or any hazard or feare thereof; Then what this Pamphleting Prelate hath said, Or will say, though he should write volumes, at this rate; What is that, you will say? It is no great secret, yet if heartily followed, it shall prove infallibly effectual. Let his Majesty Turne to the Lord with all his heart, and repent of his fearful perjury and defection, and minde his oath made unto the great God, and performe his vowes, and fulfil his Covenant which he swore with hands lifted up to the most high God; and solemnely promised to owne and prosecute, as he should answer to God, in that day, when the secrets of all hearts shall be disclosed; and execute judgment on the Apostate Prelates, by hanging them up before the Sun, that the fierce anger of the Lord, evidenced by moe as twice three Yeers famine of the word, may be removed, and on all others who have been authors and abettors of this horrible course of defection, and unparallelable apostasy, which makes these lands an hissing and a by-word to all nations; and let him honestly and with an upright heart prosecute the ends of these holy Covenants, and with that Godly King *Asa. 2. Chron. 15.* Enter into a Covenant, that whosoever will not seek the Lord God of Israel, shall be put to death, whether small or great, whether Man or woman: And let his successours follow his footsteps in this, and he and they shall finde, no imaginable bond so sure to tye his Kingdomes together perpetually, as an indissoluble Society, then these holy Covenants, particularly that *solemne league and Covenant.* In which all his subjects in *Scotland, England, and Ireland*, did sweare in a most solemne manner, to maintaine and promote reformation of Religion in Worshipe, Doctrine, Discipline, and Government, and endeavour to bring the Churches



Churches of God in the Three Kingdomes, to the nearest conjunction, and uniformity, in Religion, Confession of faith, Forme of Church government, Directory for wor-shipe and Catechiseing, &c. that they and their posterity after them, may as brethren live in faith and love, and the Lord may delight to dwell in the midst of them — and that the Lord may be one and his name one in the three Kingdomes; and to endeavour the discovery of all such as have been, or shall be incendiaries, Malignants, or evil instruments, by hindering the Reformation of Religion, divideing the King from his People, or one of the King-domes from another, or make any faction or partyes among the People, contrary to this League and Covenant, that they may be brought to publick tryal and receive condigne punishment: And that they should each one of them, according to their place and interest, endeavour that the King-domes may remaine conjoynded, in firme peace and union to all posterity: And that they shall not suffer themselves directly nor indirectly, by whatsoever combination, perswasion or terror, to be divided & withdrawne from this blessed union and conjunction. Now what bonde more strong to unite and keep together his Majestie's Dominions can the wit of Man imagine? And shall not the owneing and prosecuting of this Covenant, Appear to all rational persons the most infallible meane to effectuate this indissoluble union and lasting Conjunction, that can be invented?

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## C A P. XIX.

How weakly and foolishly the Surveyer  
defendeth his Majestie's Life,  
is shewed.

**T**He *Surveyer*, finding how poorly he had defended the cause now mainly controverted. viz. The unlawfulness of Peoples defending themselves, and maintaining their Religion against manifest and intolerable oppression. *Cap. 2.* That he might do something for his money, would start another question, wherein he thought he should do his Majesty some acceptable piece of service, and secure his life, when all came to all: Though he could not cudgil with his railing (for he can move none with his reason) the People into a stupide, and irrational subjection, so that let the King rage worse then ever *Nero* did, they should not lift a hand to resist and withstand him; He thinks he shall do the next best, viz. he shall fortify his Majestie's person, and set such a guard of impregnable reasons about him, that no man, no company of men, yea no judicature, shall ever approach to touch his sacred person, or to spoile him of his life; a guard of reasons like lyon rampants, be-like he thought them, more invincible and saife, then a legion of the most valient Champions that his Majestie's Kingdomes can afford. But poor man, he may dreame that such armes are impenetrable and proof, because they are the best in his armory, or that his dull head could hammer out: But no man of reason will think so; yea all who know what belongeth to this controversy, and are not professed adversaries (yea and the most ingenuous of them too) will upon second thoughts be forced to say, That never any put pen to paper in the King's quarrel, who hath so foolishly and childishly, managed that disput; and how little he deserveth thanks (let be a reward) for his paines, such as are sober will judge, when they consider how little ground, he had to move such a question now, seeing the wronging

wronging of the King's Person or his just authority, was not intended by those worthies who arose for the maintenance of Religion; as such of them who were publicly put to death, did openly upon the scaffold confesse and avow; and consider also how the Author of *Naphtaly* hath been miserably misunderstood by him.

It is not our purpose, nor our present businesse, to speak unto this head, and shew for what causes, or by whom Kings are to be questioned, deposed, or executed: Far lesse is it our purpose to defend the taking away of the late King's life, though this railing Pamphleter thinks to fasten this upon *Naphtaly*. And therefore we might passe what he sayeth to this purpose, *Chap. 3.* Yet as in the preceeding Chapter, we have shewed how ill he hath maintained the union and conjunction of his Majesties Dominions; So in this, vve shall shovv hovv vweakly he hath guarded his life, against such as vvould oppose themselves unto him, in this question.

But first, vve vvould take notice vvwhether *Naphtali* hath given him such ground to fasten upon him the justification of the murther of the late King, as he allegeth. [*The matter* (sayes the Surveyer) *in dealing with Magistrates* (according to *Naphtali's minde*) *rests not in a meer resistance of them by meer private persons, but goes on to a retaliating and revenging upon them wrongs supposed to be done ——— for this man againe jeers at the Sovereigne Powers Privilege, and Impunity of Divine exemption.*] *Ans.* Doth this man know what he writeth? Doth *Naphtaly* say, That private persons may revenge wrongs upon the Supream Magistrate, because he jeers at such as plead for such a Privilege and impunity unto Sovereigne powers, as will exempt them from all tryal and punishment, both of God and Man? What meaneth he else by this impunity of divine exemption? Then he tells us, *Pag. 71, and 77.* That *Naphtaly Pag. 29.* reflects not obscurely upon the horrid murther of our late Sovereigne. Let us hear *Naphtaly's* words, then shall we better judge. [*And as these inferiour Princes* (sayes *Naphtaly, Pag. 29.*) *Do often forget their subordination to the most High in their unjust commands, and would usurpe his throne, by*



an uncontrollable Sovereignty: So the Lord by the warrant of his Word and approbation of his providence, and also of the People (when by them oppressed, but by himself animated & strengthened) hath declared & made void this their pretended exemption & impunity, & removed the carcasses of such Kings, and broken their scepter: amongst which precedents, the instance of these times, whereof we now speak, is worthily recorded, and deserveth better to be remembered.] Now Naphtali is speaking of what fell out betwixt the year 1494. and the year 1560. in that place, and makes no mention of what fell out an 1560. and afterward till he come to *Pag. 31. &c.* Sure then, the times he is speaking of being before the year 1560. are far from the times wherein King Charles the first was executed. But sayes he, there was no such thing as murdering of Kings or dethroning of them, at that time, *Ans.* Yet the Lord, at that time, declared and made void the pretended exemption and Impunity of Princes and Sovereigne Governours, by removing in his providence their carcasses, and by the approbation of the people, when by them oppressed, & by himself animated, breaking their scepter; as vve finde was done to the Q. Regent *anno 1559.* when she was by the People, the Nobles, Barons and Burgessees assembled to deliberate upon the affaires of the commonwealth, *Octob. 20.* deposed from her Regency, and upon the ninth of *Jun* the next yeer, God removed her carcase by death, so that the land was no more troubled with her.

Who may not now see what a poor ground this *Railer* had, to father such a tenet on *Naphtali*, as he doth? And what advantage the King's cause hath gotten by this, we shall novv see. *Hetelsus Pag. 72.* [That most of the venome this man (meaning *Naphtali*) hath against the powers ordained of God, he hath sucked out of the breasts of *Lex Rex*. It were not right to dig up all the pestilent untruths of that piece, set forth in most impertinent and sophistical reasonings, mixt with infinite humane bitterness, against the late King: Only as it were to be wished that such errors, might be buried in eternal oblivion; so it is to be regrated that too too many of the Ministry and others in Scotland, have been poisoned with such principles, and the same not being very like to be suddenly extirpat, the more need have the powers above us to be watchful] *Ans.*

The

The author of *Lex Rex* and of *Naphhtaly* also, ascribe as much to the powers ordained of God, as God's word will allow; and are no way opposed unto them, but only unto Tyranny, which is no Ordinance of God: and this Man rather spitteth venom in the face of the power ordained of God, vvhhen he goeth about to patronize and defend their illegal and iniquous exorbitances, as if these were the ordinance of God, which are rather the ordinance of Satan: Sure this is not far from blasphemy, to call such courses the Ordinance of God. 2. He hath taken a short cut, I confesse, to answer that unanswerable book *Lex Rex*. To say, that it is full of pestilent untruthes, set forth in most impertinent and sophistical reasonings. Had King *Charles* the first, when he read that book, remembered this, or thought upon it, he would not have said he feared (as is reported he did) that it should not have been answered. But what Man, who hath not deuded himself of all wit and reason, will take, upon this perjured Apostat's word, these Truthes which *Lex Rex* hath demonstrated (& which this Man was so unable to answer, that I much question if he well understood many of them, or if his lumpish braine could discern betwixt a sophistical reason and a true and real reason) to be untruthes; and these ruthes so wholesome and useful to all Republicks, and necessary to be knowne and wel digested by all who consult the welfare of commonwealths, to be pestilent untruthes, and his unanswerable reasons, to be impertinent and sophistical? I am sure all the Cavaliers, and the Malignant squade would have thought him well worth his gold, if he had in a sober rational manner discovered the impertinencies and sophistical reasonings in that book, which yet is like to speak after it is burned, and under a legal restraint, though he should have spent the most part of his dayes upon it; it may be, the Royal cabal would have thought it *Dignum opus*, and have canonized him for it, and advised the King to Remember the issue of such a worthy & singular pillar of the tottering throne. But the man knew how far his stock would reach, and that all the gold in the Kings treasures could not make his head stronger then it was, how ever it might superabundantly

dantly fortify his purse; and therefore, seeing his short horns could reach no further, his Majesty must rest satisfied with this: And *Lex Rex* must be declared, as it is, to be further unanswerable. 4. Seeing he wisheth that such errors might be buried in oblivion, why did not his work follow his wish? Why did he dig up the untruths (if such) again, when he was not able to bury them dead nor alive? Prudence (if he were not innocent of it) might have taught him silence, seeing he knew he could answer no better. 5. Such as have received these principles finde them more wholesome food then his soure leaven. 6. He needs not stir up the Powers to more cruelty and tyranny then already they exerce, neither will that be a way to extirpate these principles, but rather a way to root them more deeply in the heart.

But now what sayes he to the thing. He tels us in the first place: That *[The God of order hath in all humane politick Societies appoynted under himself a supream power, whether subjected in a single person, or in a complex company, which orders the whole body having nothing before or above it, in the nature and order of civil authority, and governs all in the society, and is governed by none therein to say that a person is chief, and yet hath a Superiour or equal is to speak contradictions: wise men have said, that a multitude of Gods is the nullity of Gods, and multitude of infinites so called make none of them infinite, so a multitude of supream powers in one civill society destroys divine order.]* Answ. 1. It is true, God hath appoynted in all humane political societies, a supream power. But I suppose, the Surveyer will grant, that this may as well be a Parliament, as the King, and what hath he then said for security of the King's life, by this argument? 2. What ever supream power, whether in one or moe persons, God hath appoynted over politick societies, he hath done it by the People; and so the People, who make and set up, under God, these supream powers, are above these supream powers; If he will not take my word for this, let him read and consider how it is proved in *Lex Rex*, in many places specially *quest. XIX.* And if he will not rest satisfied there with, let him try his hand, And answer what is there said.



said, if he can. 3. Politicians will tell him that the King's supremacy of power, is only in respect of the administration, and execution of the lawes, according to the power committed unto him, by the People: let him read and consider well *Alchusius* his politicks, as to this. 4. And so, though in respect of this executive administration, he be chief, and governeth all: yet in respect of the royal fountaine-povver of Government, the People are above him, because they give this out to him, and may, in cases of necessity, recal it, and give it to another; So that still they reserve a fountaine-power over him, to be exerced in cases of necessity: and therefore, there is no contradiction here, because *non ad idem*: the father is above the sone, and yet subject to him, if he be a judge. The Emperour is above the prince palatine, and yet in some cases that Prince is his judge; as the Tutor hath the supream executive power, and the pupil can not act without him; Yet in case of male administration, the pupil hath a power to call him to an account. But finally what if his adversaries should say, that the King is not that Supream power in *Scotland*, but that a Parliament, as the Peoples Representatives are above him? He may see much said to prove this in *Lex Rex*, and in the *Apologie*. And how shall he be able to confute that? And if Parliaments have povver to depose Princes in *Scotland* (as hath been often practised) how hath he saved the King's Scepter and Person? But he addeth, as a short answer to cut all off that is said, [*A chimara of idle distinctions is whelped by the late Masters of confusion of co-ordinate and collateral Sovereignes in one Kingdome, the fountality of Royalty in the People (resumable at their pleasure) is talked of, also Kings and People there being mutual Magistrates to punish one another, — and courts of necessity and tribunals of nature, where People are judges accusers and all, are bigly talked of; but these are only cloaks of fig leaves to cover horrid rebellion & disorder.*] *Ans.* Every thing must goe for a new whelped *Chimara*, which this blunt head cannot understand: Can he confute such of these distinctions as *Lex Rex* maketh use of? Why doth he it not then? How doth this master of disorder blow avay these

these figleaves, yea or discover them to be such? Is this the vway he takes to salve his Master's life? By his calling such distinctions *Chimaraes* and figleaves, he vvill not save a tyrannical Magistrate from deposition or yvorse, by that povver vvhich is cleared by these distinctions. 2. As for these courts of necessity, &c. Royalists must grant them, vvho grant povver in some cases to People to resist and depose Kings, viz. vvhen they turne habitual tyrants, sell the Commonvealth and the like: and in such cases, vvhen the Prince doth such horrid things, vvhich himself *Pag. 24.* thinks can hardly befall a Prince in his natural and right vvits: How shall these things be judged, if he allow no courts, but the ordinary courts of justice, and no court of necessity? Ay, but he sayes thereafter [ *That it is certaine Supream power is indivisible and incommunicable to distinct subjects, in any one political Society.* ] Though the supream executive power of administration be so, either in one, called a Monarch, or in the plurality of best and chiefest, as in Aristocracy, &c. yet the fountaine power of government ( which *Lex Rex* tells him is distinct from the power of governing *Pag. 50.* ) abides intire in the People, by which they may call the Governours to account, depose them, and set up others to execute the lawes. 2. *Grotius* will tell him that the King may have one half of the Sovereigne power, and the Senate or Parliament the other, and if the King assume that part which is not his, he may be resisted, where is then the indivisibility or incommunicability of this power, which he talketh of? Thinks he that there is no mixed Monarchy? And if part of the Sovereignty belong to the Parliament, as the Peoples Representatives (as is certaine in our constitution) the King cannot be so Supream as he would have him. Therefore he addeth. [ *But why should we doubt that where there is a King (one truely so) his Sovereignty is matchlesse on earth, when the Scripture calls him supream. 1 Pet. 2: ver. 13. is there any equal to the Supream, in order of civil government, by whom he is judgeable or punishable? if any, he is not not Supream nor the government Royal.* ] *Ans.* This Chimarical Man gives us a distinction of Kings, some truely so and some falsly so; And what, and who are these? It is like

like the King of *Poland* and the Emperour of *Germany* are not Kings truly so, as he said, because forsooth they are not absolute above all Law and coercion. But what if more learned politicians then ever he was, say, that such are most truly Kings? And what if his adversaries say and prove also, that the King of *Britane* is not such a King, as he accounts truly so? His saying that the King of *Britane* is absolute, will not prove that he is so, and will be found but a weak defence for his life, if he be not able to prove him above all judgement and punishment, which we have not yet seen, and dispaire to see, done. 2. These words *1 Pet. 2: ver. 13.* may be as well rendered, *The King as supreme*, and can import no more, but one who had a supreme or supereminent place in the administration of government, notwithstanding whereof he might be & was accountable to the *Senat* of *Rome*: For learned politicians and lawyers prove that the supream power of government was in the Senate, even at this time, which clearly appeared in their judging and condemning *Nero*, and other impious and tyrannical Emperours. So that even hence we see that one may be supream in order of civil government, and yet both judgeable and punishable. 3. His adversaries will not much care how he call that government, Royal or not; and whether he call the government of *Britane* Royal or not. Names in these matters and titles, which goe much by fashion or fancy, are but weak arguments; and he will never be able to stop the mouth of his adversaries, who would plead for calling King *Charles* to account and for judging him and punishing him, by saying he is a King, and the government is a Royal government, they would account these but thinne wals, and uselesse cloaks of fig leaves to preserve and defend intolerable tyranny. Hath this man no better arguments then these wherewith to defend his Majestie's Royal life and person? Or hath the King no better advocate to defend his cause? But it may be this profound Statist will speak more nervously in the following observations. Therefore,

Let us hear what he sayes in the 2 place, [*It is certane*] (sayes he) *no man can be judged or punished but by his owne judge,*



who is above him, and hath authority over him, by lawful commission from God; or from men authorized by God to give such commission, now who shall be judge to these invested with Sovereigne Majesty, seing Every soul under them is commanded to be subject to them, Rom. 13: ver. 1. and seing the Supream Power of the sword is committed unto them, and not to others, but by deputation and in dependence upon them ——— in a true Monarchy there must be an exemption and impunity (as to subjects) of the person invested with Sovereignty and Majesty: God's Law, Natures Light, and sound reason, are all for this, that such as are invested with Sovereigne Majesty, having the legislative power; the jurisdictional power, the coercive and punitive power originally in himself, must enjoy exemption and impunity (as to subjects acting against them) the contrary tenet overthrowes the order of God and Nature, and precipitates humane societies in a gulf of endlesse confusions.]

Ans. 1. Here is enough to satisfy his adversaries: For 1. They will tell him, that he hath not yet proved the government of *Britane* a true Monarchy, in his sense; and so he but begs the thing in question here. 2. They will tell him, that the King hath not the sole legislative power, nor sole jurisdictional power, nor sole coercive and punitive power; far lesse, all these solely and originally in himself: And it is but to such Sovereignes that he pleads for this exemption & impunity. Doth not this Advocat deserve a singular reward; who pleadeth his Master's cause so dexterously, by proving an uncertanty, by that which is more uncertane, & founding all upon his bare word? A noble champion forsooth, or rather a Monster, whose word must be a law, & an irrefragable reason too. Thus it seemes, what ever power he give to the King, there is the Dictators power that he thinks is solely in himself, and that originally: but for all this he hath one disadvantage, that he is of little authority and of as little credite, with sober rational persons. 2. He will grant that such Monarchies, as he accounts only true, are not every where, no not where there are persons called Kings and Emperours: How cometh it then that the order of God and nature is not overthrowne in these Dominions and Republicks, and that their Societies are not precipitated into a gul-

of endlesse confusions? Shall nothing preserve the order of God and nature, but that which is the most ready mean to destroy it, *viz.* an uncontrollable power in one Tyrant, to destroy all his Kingdome, Man, Wife and Childe. 3. Politicians will tell him, that the *Ephori*, the Parliament are his judges; and that the People who by a lawful commission from God made him King and authorized him, are above him and have authority over him, in case he turne a Tyrant and pervert the ends of government. 4. Though it be requisite there be an ordinary standing judge to cognosce of controversies which fall out betwixt one private person and another; yet it is not alwayes necessary there be one condescended on, to judge betwixt the Sovereigne and the People, vvhhen the controversy falleth out betwixt them, more then that there should be a standing ordinary judge to decide controversies falling out betwixt tyvo distinct and independent Kingdomes. 5. What commission from Man authorized by God had the high Priest, and such as joyned vvith him, vvhhen they deposed and killed *Athaliah*? if he say, she was an usurper. True, yet she possessed the place six years peacably without molestation; and who was judge, whether she was an usurper or not? Had the matter been referred to her, she would have been as far from calling herselfe an usurper, as a Tyrant now will be from judging himselfe a Tyrant: And so as in this case, the Tyrant *sine titulo* had a judge above her, though she was invested with Sovereigne Majesty, so in the other case, The Tyrant *exercitio*, though invested with Sovereigne Majesty, hath a judge above him. 6. The place *Rom. 13.* is to be understood (as was shewed above) of inferiour Magistrates as well as of the supream: And it sayes of all in authority, that such as are under them should be subject unto them, In so far as they are subjects unto them: so in poynt of administration of justice according to equity, all are subject to the supream or supereminent governour; but when he becometh a Tyrant, he becometh subject unto them, who gave him that power, and set him up, under God. He insinuateth that inferiour Magistrates are not essential Magistrates, but by deputation from and in dependence upon

the King. But *Lex Rex*, *Quest.* 20. hath by many cleare and unanswerable arguments evinced the contrary.

In the third place he citeth some sentences of *Tertullian* calling the *Emperours* *second unto God*, and above all men, and only subject unto God: Of *Optatus* saying, that none are above them but God. And of *Ierom* speaking of *Psal.* 51. against thee thee only have I sinned, saying that *David* spoke so because he feared none; And of *Ambrose*, on the same words saying, that he was King, and under no Law — and therefore he did not sin against man.] But all this is no purpose: For 1. himself will grant that all Kings are not thus exempted, and his adversaries will prove the King of *Britaine* one of these limited, and restricted Kings, that are obnoxious to examination, and punishment; and these sayings cannot prove that all Kings are so, yea or ought to be so. 2. *Tertullian*, to vindicate the Christians who would not acknowledge the Emperour to be God, and to shew how notwithstanding they respected him according to his place, would give him as high titles as he could; though not out of flattery, and so make him the highest person in the Empire, and above the heathen Gods: yet he did not set him above all the People in their Representative the *Senate*, or if he did, the *Senate* proved him to be in a mistake, by taking course with several of these lewd and wicked Tyrants. 3. *David's* single act of adultery and murder were no such acts of Tyranny, as are censurable with deposition, and so it speaketh not to the case. 4. It might be that *de facto* he did not fear another, as *Ierome* sayes. But that will not say, that *David* might have destroyed the inheritance of the Lord without controule, or that other Princes are, or should be, exempted from restraint and punishment, if they turne ingrained and habituated Tyrants. 5. Himself will not stand to what *Ambrose* sayes, for he addeth immediatly, [There is no doubt but *David* was sensible both of the horrid injury he had done to *Uriah* (the occasion of the *Psalme*) and of the scandal he had given to God's People, in which sense, he might be well said to sin against both.] 6. The words of the text will not beare that weight, viz. That he had no other judge but God, or that (as *Deodare* sayeth



he was exempted from all punishment of men, & was obnoxious to no humane tribunals; but as other commentators say, the words are to be taken in a comparative sense, that this was the greatest aggravation of his guilt, that it was such a hainous transgression, in his sight who was privy to it, however he did conceale it from all others, so far as he could: see the *Dutch Annot.* on the place: and therefore to expresse his spiritual sense of the sin committed against God (against whom properly sin as sin is committed) he useth this rhetorical ingemination: And if the words should have imported what the *Surveyer* would have them to import, they had not been apposite to expresse his spiritual grief & sense of the hainousnesse of the crime committed. Then he tels us what excellent *Mr Calvin* sayeth *Instit. Lib. 4. cap. 20. §. 27. and 31.* and then sayes [*It is a wonder how many who pretend respect to Calvin should dar to violate the sacrosanct Majesty of Kings, if they will but read over that chapter.*] But is it not a wonder, how this man who seemeth to have read over that chapter and particularly §. 31, should passe by what worthy *Calvin* sayeth in the end of that section, or should have so little respect unto that worthy man (whom he himself accounts to be worthy of respect, and but deservedly) as to plead for an uncontrollable power in Kings, When yet famous *Calvin* tels us there that if the *Ephors* or *States of Parliament*, connive at the King's tyranny, and suffer him to oppresse and insult over the poor People, they are wickedly perfidious, and palpably betraying their trust.

Then in the 4 place he tels us [*That it is not denied, that the King is bound before God to rule his People according to the Law of God; and that it is grosse to say, Regi quicquid libet licet.*] This is good, but what then? What if he deviate? [*We maintaine* (sayes he) *that as a sure truth That impunity (as from subjects) necessarily attends Sovereignty by the Law of God, reason, and nature: For no man can be judged or punished but by a judge above him; and the Supreameth hath none such, &c.* *Ans.* But *Mr Prelate*, your adversaries will maintaine the contrare, as a sure truth: We looked for a fourth proof and not for the thing in question, or a repetition of what is said: The same thing

repeated six times will not make six arguments; *Mr Bishope* give a new proof, if you can, of this firme truth which you maintaine? We maintaine, by the Law of God, Nature, and Reason, No man hath an uncontrollable power to destroy millions, to cut off the heretage of the Lord, to destroy his interest: And we have shewed our grounds for this. 2. How was *Athaliah* judged? And what a judge was *Iehu*? 3. It hath been told him, that the supreame governour hath a supreame power above him: The power of the People that made him Supreame governour, is above him, and can depose him, and put another in his place. He may be a Supreame governour & dispensator, and yet their servant, accountable unto them, and censurable by them, when he deviates and turnes a Tyrant, and a Wolfe, and a Tyger. When one King wrongeth another, that other will both judge and punish him, if he be able, and yet is not properly a judge above him. Much more may the Representative of the People; who set him up and impowered him, both judge him and punish him.

But the good man thereafter would advise Kings not to abuse this inviolableness, but so much the more to fear sadder punishments from God; and for this cause would have them reading the 6 chapter of *Apocryphal Book of wisdom*. But was there no texts in all the divine Word of God, that he would put into the King's hand to read, that he must send him to the Apocrypha? It is true Kings would do well to remember that they have a God above them, who will not be mocked, but will bring them to an account of their doings, though they should escape Mens hands: and to the end they may be put in remembrance of this, they stand in need of other monitors, then the Men who have forgote it, and send them to Apocrypha to finde it: And this should keep them within the boundaries of God's Law. But as the fear of punishment from Man, will restraine some from stealing, whom the fear of God would little overawe; So it may be the feare of punishment from Men, would have no small influence to make some Kings walk by a rule. And *Subordinata non pugnant*. He would do well to minde them of both, and

and it is like he would finde that more effectual to suppress Tyranny, then to tell them, that their sacred persones are inviolable as to Men, but yet they would do well to read the 6 chapter of *Wisdom*.

He cometh *Pag. 77.* to speak particularly to what *Naphthali* said, and alledgeth that [*It is most falsly and wickedly said, that God's providence or God's Word approves the murdering or deposing of Princes by Subjects, who are not his judges: And what his word approves not, his providence doth not approve: To say that God animates his People to such actions, is blasphemy, albeit he extraordinarily may stir up the spirits of some to actions not according to the ordinary rule (as in the times of the judges) but they were sure of their warrant from him, the like whereof none have ground to waite for now.*] *Answer.* Certainly God's Word declar-

eth that the persons of Kings (how sacred soever he account them) are not inviolable, when it threateneth destruction unto them, whether by their owne Subjects or by strangers; and when these same judgements are executed, his providence declares that they are not uncontrollable or inviolable.

2. His adversaries will tell him, that the deposing of Tyrants, or the executing of justice on them, is no sinful Murther nor sinful deposing of Princes. 3. If he had once proved that such actions as these, were horrid and sinful, then he might say that it were blasphemy to say, that God animates People unto them. 4. How did God animate *Iehojada* and these with him, to depose and kill *Athaliah*? To say she was an usurper, will not help the cause: for he will not have usurpers killed by the Subjects now, seeing we have no ground to expect such an expresse warrant to rise against them, as the judges had; and yet certainly these against whom the judges were animated, were Tyrants without title. And thus we see this *Surviver* out stripeth all the Royalists, that ever wrote before him, and not only will have the persons of lawful princes, though flagitious and tyrannous, sacred and inviolable; but also the persones of the most manifest usurpers; for he sayes, that it was not according to any ordinary rule, that God stirred up the spirits of some, to make head against these Tyrants that oppressed the people of



God, in the dayes of the judges, but extraordinary, which motions we have no ground to waite for now. And so this advocate cometh at last, to plead as much for the exemption of *Cromwel*, as of the *King*: And if this be a faithful advocat let all the world judge, and let the author of the pamphlet intituled *Killing no Murderer* rebuke him, for his impertinency and ignorance.

He tels us thereafter how [*The Apologist labours to produce many instances of the Parliaments of Scotland punishing Princes for their enormities, all which he setteth forth as laudable and imitable presidents and examples.*] *Answ.* The author of that Apologetical relation driveth at no such designe there, but only cleareth thereby, that the Kings of *Scotland* have not a supremacy above Parliaments; but that rather Parliaments are above them; for they have punished them. He addeth [*The most that all of them amount to is nothing, but the insurrection of Nobles (Proceres as Buchanan calleth them) against the Kings, and violent oppressions of such of them, as have been flagitious and tyrannous - but neither Buchanan, Nor this Apolog. can produce any one instance of our lawful Parliaments or Peoples, taking on them in a judicial way, in cold blood, and under formes of processe, to punish or destroy their Kings.*] *Answ.* What if his adversaries shall be contented with a shorter processe, & shall supercede many formes of legality, which use to be followed with other notorious Malefactors? Is not this a brave *Goliath* that cometh out to defend the King's sacred person, when all which he at length can do, is to defend him, from being adjudged in a formal mode, to losse his head and his Crowne; that he shall not be called publickly (as other Malefactors are) to the judges barr, and there be impannelled as a Tyrant and Traitor to God and the Countrey? If this man deserve his wages, let wise Men judge; seeing all know that there is greater difficulty in taking away Tyrants, then in taking away other Malefactors: And that hardly can such a legal way with all its formalities be followed with them, which is followed with others: And that sometimes, some Malefactors, though they were never Princes, must be sentenced in a more brief manner and privately also, and yet it is all  
one

one upon the matter, if the man be guilty and really condemned by his judges. And so it is all one, if a Tyrant be adjudged worthy of death or deposition, by a Parliament the Representatives of the People, and accordingly cut off from government, or out of the land of the living, whether it be done by a publick Messenger, with sound of Trumpet, and by the hand of a publick liſtor and executioner, on a publick ſcaffold; or by force of armes, vvhhen the former meanes cannot be ſaifly uſed, nor ſo ſecurely. And it vvas not the inſurrection of nobles as ſuch, but as *proceres* and *primores Regni* that were inſtanced; and of lawful Parliaments (ſuch as were uſed in theſe dayes) ſentenceing and condemning Kings for tyranny, and other miſdemeanours. Let him read the Hiſtory of theſe times written by *Buchannan* and *Graſton*, and he will finde it ſo; particularly, let him ſee and conſider how *Ferlegus* was adjudged worthy of death, but for *Fergusins* his Father's ſake, was only imprifoned; and thereafter with the unanimous conſent of all, being ſuſpected guilty of the death of *Feritharis*, put from the Crowne: ſee why *Therous*, when he had filled the land with robberies, fled to the *Britones*? Was it not becauſe the Governours had a minde to puniſh him? Was not *Even* the 3. put in priſon? Was not *Dardan*, for his wickedneſſe and blood, purſued by nobles and People, his head cut off, his corps throwne into a jacks? *Luſtatus* at length was apprehended and executed. His ſone *Conarus* in face of Parliament accuſed, apprehended, and ſhut up into a hall, with ſome few attendants, his ill counſellers executed and a Viceroy choſen till the People ſhould meet to make a new King? Were not the *Primores Regni* about to have depoſed *Conſtantine* the firſt, for his vices, had not *Douglaffe* diſſwaded them, becauſe of their warres with the *Britons* and *Saxons*? Was not *Ferquard* the 52 King ſummoned to compear before the Parliament, and becauſe he refuſed was he not brought to judgment againſt his will, and accuſed of many crimes, and not being able to purge himſelf was he not caſt into priſon? This looks like an act and execution of juſtice done in cold blood under forme of proceſſe, So did the *Primores*

*Regni* intend to have punished *Ferquard* the second, had not Bishop *Colman* dissuaded them. Was not *Eugenius* the VIII. for his filthy lusts and vices, covetousnesse and cruelty, slaine by the general consent of his Lords assembled? By whom, and for what was *Donald* the 70. King cast into prison? Who forced *Ethus* brother to *Constantine* the II. (and for what) to renunce the Kingdome, and shut him up in prison? Was not *Culenius* summoned to compeare before a Parliament at *Scone*?

Now the *Surveyer* is in his strength, and disdaining to meddle with the libeller (as he calleth him) he will goe and reflect upon the magazine, (as he speaketh) to *Lex Rex*, who *Quaest.* 26. proveth by unanswerable arguments, that the King is not above the Law; but this *Surveyer* for all his big words dar not meddle with that debate; but quarrelleth with a word *Pag.* 241. where that worthy Author is answering the objection of that Apostate Prelate *Maxwel* the Author of *Sacrosancta Regum Majestas*, stollen from *Arnisaus*; which was this, [Why might not the People of *Israël*, Peers or Sanhedrin, have convened before them, judged or punished *David*, for his Adultery and Murther.] Unto which he answered thus; [He taketh it for confessed, that it had been treason in the Sanhedrin and States of *Israël* to have taken on them to judge and punish *David*, for his Adultery and Murther; but he giveth no reason for this, nor any Word of God; and truly though I will not presume to goe before others in this, God's Law, *Gen.* 9: ver. 6. compared with, *Numb.* 35: ver. 30, 31. seemeth to say against them. Nor can I think that God's Law, or his Deputy the judges are to accept the persons of the great, because they are great, *Deut.* 1: ver. 17. 2 *Chron.* 19: ver. 6, 7. and we say we cannot distinguish, where the Law distinguisheth not. The Lord speaketh to under judges, *Levit.* 19: ver. 15, Thou shalt not respect the person of the poor, nor honour the person of the mighty, or of the Prince, for we know what these names *בני* and *נדיב* meaneth. I grant it is not God's meaning, that the King should draw the sword against himself; but yet, it followeth not, that if we speak of the demerite of blood, that the Law of God accepteth any judge, great or small. And if the Estates be above the King, as I conceive



conceive they are, though it be a humane politick constitution that the King be free of all coercion of Law; because it conduceth for the peace of the commonwealth; yet if we make it a matter of conscience, for my part, I see no exception, that God maketh; if men make, I crave leave to say à facto adjus non sequitur.] Thus that worthy Author; and could he have uttered his judgment more sparingly and soberly, in a matter that was not of great Moment to the question in hand, so that though he had forborne to have spoken any thing to this at all, his cause had not been, in the least, weakened; and though we should grant that the *Sanhedrin* could not have judged *David* for these facts (which yet we can cannot do) what losse shall we have? Seing we may easily grant and *Lex Rex* with us Pag. 243. that Tyranny only must unking a Prince; and these acts were not acts of Tyranny, and what shall this vaine *Surveyer* gaine then? Why would he not examine other things which that worthy Author sayd, more apposite to the cause? Will not wise men laugh at this dealing, and account him a fool in the first magnitude, in handling such a cause, which so nearly concerneth his Majesties life, after such a manner, that a very school-boy may smile at? Then he addeth, [So Pag. 348, and 428, and 238. and often elsewhere, he (that is *Lex Rex*) will have the Estates executing the moral Law (as he calls it) on the King, and punishing him, and why? because he sayes most thraasonically, Pag. 460. I have unanswerably proved that the Kingdome is superior to the King, and the People may be their owne judge in the tribunal of necessity.] Answ. *Lex Rex* in two at least of these pages cited, speaketh no such thing, and if this *Surveyer* were not more windy and vaine then ever *Thraaso* was, he would not speak so of that Author, till first he had discovered the answerablenesse of these arguments, which neither he nor any of his complices shall ever be able to do. But this, *Epicampo thrafibombomachides* will force a beliefe upon the world, that with this very adverb *thraasonical*, *diffavis omnes in Castris Gurgusiodianis*, and cry to his enchanted fraternity to sing *Jo pan* at his invention. But what sayes he to all this? [1 (sayes he) what should he meane to make it conduceable to the peace of the commonwealth, that the King be free of the coercion

coaction of Law; and yet not so, if it be made a matter of conscience; is the preservation of the peace of the commonwealth, no matter of conscience to him? Or is not the constitution freeing the King from coaction of Law (for that end) warrantable? ] *Ans.* Doth not this *ignoramus* know that a question of this nature may be considered and answered politically and theologically: And that many things may be tolerated or forborne in poynt of policy, upon politick grounds and ends, which, if considered *stricto iure*, according to conscience, should not be forborne, nor tolerated. *David* in point of policy, did forbear to execute the Law upon the Murtherer *Joab*, whom yet in poynt of conscience, he accounted a man of death, and therefore recommended the execution of the Law of God, unto his Son *Solomon*: and this toleration or forbearance may be lawfull or unlawful, according to the weight of the matter tolerated, or forborne, and the nature and weight of the grounds in policy, upon which this forbearance is determined. So that though we should suppose it lawfull for a Commonwealth to enact and determine in Law, that their King should not be questioned for one single act of Murther or Adultery, as other persones are: Yet in poynt of conscience, if the question be stated *in thes*, whether a King may be questioned for one single act of Murther and Adultery, as another private person, it may be answered affirmatively, because the Law of God, makes no exception of persones. 2. It may be made a matter of conscience, to make the King free of the coaction of Law, in some small and inconsiderable particulars, because of the probable hazard into which the Commonwealth may be brought by coërcing of him, which all the value of the particular anent which the coaction is exerced, will not countervaile. But it will never be allowed, in poynt of conscience, to make him free of all coaction of Law, so as he may without control, murther millions, destroy and waste Religion: For that were not conduceable to the peace of the Commonwealth, but a ready way to destroy all: So that a constitution freeing the King from all coaction of Law, how ever pretended for the preservation of the peace of the Commonwealth, can never be warrantable. For that were to make him

him *actu primo*, and in *actu signato* a Tyger, a Lyon, & a waster of the Common wealth; & if his good Nature should incline him to good & peaceable things; yet no thanks to the constitution. Whereas he would make his reader believe that the Kings of the jewes were under no coercion let him consider what *Zuinglius* sayeth *explan. art. 42. Tom. 1. oper.* where he expressly sayeth. [That the Kings of the jewes and others, when they dealt perfidiously, contrary to the law of God, might be lawfully deposed by the people.] Yea he tells us, that while wicked princes and Kings were not removed, all the people were punished of God, which he proveth by *Ier. 15. 1. to ver. 6.* and a little thereafter, tells us that [if the children of Israel had thus deposed Manasseh, they had not been so grievously punished with him.] Yea *Shickardus* in his *jus regium hebraeorum. Cap. 2. Theor. 7.* tells us *Pag. 56. 57.* out of the Rabbines, that the Kings of the jewes might have been called to an account, & punished for transgressing of the law, by the *Sanhedrin*, especially if they took more wives, and more horses then were allowed, and heaped up riches; for these causes, he proveth *Pag. 60.* out of *Hal. melach. c. 3. §. 4. Halach. Sanhedr. cap. 19. Talmud cap. Kohen gadol. Siphri pars: schoph.* That they were to be scourged. And histories show us, How this *Sanhedrin*, even in their weak and declining times, were loth to quite with this power, and therefore did question Herod, who was set over *Galilee* by the Romans, for some murder committed by him, see the history set forth by *Iosephus Antiq. lib. 14. c. 17.* And if any should object that *Casaubon ad. annal Eccles. exerc. 13. n. 5.* hath proved the contrary out of the *Talmud*. The forecited learned *Shickardus. Pag. 63. 64.* sheweth out of the very places cited by *Casaubon*, how he was mistaken, and how the Kings of *David's* line both did judge, and were judged.

2. (Says he) It is good that this Metaphysical Statist was no Chief Priest or member of the *Sanhedrin* in *David's* time; for he would have afforded a corrupt exposition of the Law to cut off the King. What sors were the Priests & Prophets at that time that did not infligate the *Sanhedrin*? This man could have told them that they were above him, and they were bound to execute the Law upon him.]  
*Answ.* It was good that this superlatively irrational parasite, and



and infraphysical fooll was not breathing in these dayes ; for he would have told Kings , you may Kill , murther , massacre , destroy all the land , Man , Wife and Childe , without the least fear of resistance ; and have told the People , the Sanhedrin , and all the Elders of Israel , though your Kings turn butchers and destroyers of the People of God , worse then ever *Nimrod* or any that ever breathed since his dayes , you have no more to do , but hold up your throats , or flee to the uncircumcised out of the inheritance of the Lord . But what sayes all this to the thing ? Doth this prove that *David* or any King was excepted in the Law of God ? Where , In what chapter , or what verse shall we finde this ? Good Master prelate tell us , or where we shall finde it in your book of wisdomes ? 2. We finde not that any of the Priests or Prophets reprov'd *David* for spareing *Ioab* that murtherer , who shed the blood of war in peace , *2 King. 2: ver. 5.* was it therefore right in *David* to have spared him ? Sure they might well have told *David* , that though *Ioab* was a great man , yet he was above him , to punish him as well as another Man , for his sin ; and in poynt of conscience , and by God's Law he was bound to do it . These sinful acts of *Ioab* were more notoure then what *David* had done in secret : And because we finde not that he vvas reprov'd upon this account , shall vve therefore use this Man's dialect ; and say , *What sots or coldrise senselesse Men were the Priests and the Prophets of that time , who did not instigate David to execute the Moral Law on Ioab , that wrath might be turned away from the Land ?*

3. He tels us , that the author of *Lex Rex* [ Vtterly mistakes the meaning of the Word of God , *Gen. 9: 6.* (as for the other texts they clearly concerne Magistrates only toward such over whom they have power , but does neither instigate the inferiour Magistrates against the Superiour , nor the People against any of them ) where it is said , he that sheds mans blood , by man shall his blood be shed . ] *Ans. I.* The author of *Lex Rex* doth not say that these places do instigate the inferiour Magistrates against the superiour , nor the people against both ; but that they poynt forth the Magistrate's duty to judge righteous judgment , and to accept no Mans person , be he a Prince , or be he a poor Man . And if they  
concerne

concerne Magistrates toward such over whom they have power, The author of *Lex Rex* seeketh no more; for he had proved, (and this vaine windy man hath not the head, though he want not a heart and good will to it, to answer his arguments) that the *Estates* and Representative of the People, have power over the Prince. 2. It is a hard censure to say that he hath utterly mistaken the meaning of *Gen. 9: ver. 6*. Let us hear how? [*Concluding hence, (sayes he) that there is here a precept that the blood of every man (though he be in the supreme power) should be shed by his inferiours, if he shed blood innocently and without cause.*] *Answ.* But this is not the conclusion that *Lex Rex* draweth from the place, He only sayeth. That in this place there is no exception made of the Prince, though he be the Supreme power: And can this Man for all his skill demonstrate the exception? *Lex Rex* said not that his blood should be shed by his inferiours, but by the *Estates* of the land, who are his superiours, what way then hath he mistaken the meaning of this word? What further [*Supposing (saye he) this word not only to be predictiōal — but also diractiōal and preceptiue, there must be meer limitations of the sentence, both in the subject and attribute*] Grants all, what limitations will he have in the subject, that sheds mans blood? [*It is to be understood (sayes he) only of such as have no authority, and doe it out of private revenge; for we must not owne the fancies of Photinians and Anabaptists that condemne lawfull warres, and capital punishments.*] *Answ.* This is good and granted, for we say that even the King, when murdering unjustly, acteth as a private person, and is prompted by his revenge: did he suppose that *Lex Rex* was a *Photinian* or *Anabaptist*? If not, why did he trouble himself with this? But what sayes he to that which he calls the attribute? [*Certainely (sayes he) taking the words as precept, it is not meant that it is the duty of every man or any man indifferently, to shed the blood of the person who sheds innocent blood; but of the Magistrate who is judge above him. All interpreters are agreed, that here is (if not the institution yet) the approbation of the office of the civil magistrate.*] *Answ.* Did the author of *Lex Rex* say that it was the duty of any man indifferently, to punish casually shedders of innocent blood? said he any thing against that

agreement of interpreters concerning the institution or approbation of the office of the civil Magistrate? Sur when he said, and elsewhere proved, that the Estates of the Realme were above the King, he fully agreed with these authors, touching the meaning of that place; so that the Surveyer might have spared his paines in reciteing their words, for he sayes nothing against what either *Pareus*, *Pet. Martyr*, *Musculus*, *Bezelius*, *Diodate*, or the *Chaldee Paraphrase* say. Let us hear how he applyeth this to the purpose? [*But* (sayes he) *if the persons invested with Supreme power of the sword, abusing their power become guilty of shedding innocent blood, who (in that society whereof they are heads) shall judge or punish them? who is superiour over the Supreme to punish him? — It is inexplicable how any in whom the Sovereigne Majesty, & Magistratical power resides should, according to order, be punished by subjects.*] *Answ.* This is the knot of all, but it is nothing else than what we have heard againe and againe, and hath been spoken to already. But yet, because it is to him inexplicable, and a Gordian Knot let us see if we can loose it without Alexander's sword. He will grant (or if he will not, but retract what he hath elsewhere granted, speaking of a legal resistance, all the lawyers in *Scotland* will grant it) that if any in the King's name shall seek to dispossesse a Man of his inheritance, the man may defend his right by law, and the King by his advocate must pleade his cause before the ordinary judges; and these ordinary judges, must judge righteous judgment according to law, and give out a decreet in favours of the subject against the King, and so condemne the King of injury and oppression intended against the subject: Now who but the ordinary judges, in civil Matters, are judge here to the Supreme? & yet these judges, in another respect, are but subjects: doth he not now see how such as are meer subjects in one respect may judge and punish him who is invested with Sovereigne Majesty and Magistratical power, and so in another respect are above him. And what if I say, that as, in civil Matters the ordinary judges may judge the King, so the justice general or his deputy constitute ordinarie judges in criminals or capitals, may iudge him when he committeth a capital crime.



let him or any Man else shew me a reason, why the one should be, and the other may not be, in poynt of conscience. But if we speak of a Parliament the Representatives of the People, the case is so cleare that there is no difficulty; for that is a judge alwayes above him, and so even according to his limitations, if the King shed innocent blood, by them may his blood be shed.

Then Pag. 81. he sayes [*when the Apostle Rom. 13. sayes let every soul be subject to Superiour powers, that (every soul) doth not comprehend the supreme power it self (for how can the Man invested with it, be subject to a superiour power?) but it is meant that every soul under the superiour power or supreme, should be subject to it.*] *Ans.* Yet againe the same thing which we heard before. Is he not able to understand this, how one who is supreme, in one respect, may be inferiour, in another respect? The father hath a Supreme paternal power over the Son, yet the sone, being a judge or a Prince, may be over him, as *David* was over *Iesse*, and *Saul* over *Kish*. But (sayes he) *Let men (as they will) indulge themselves in their seditious Notions, they must at last sist in some supreme power on Earth which is not judgeable or punishable by any.*] *Ans.* Be it so. what hath he gained for the King his Master? Must either he be the supreme power on earth which is not judgeable or punishable by any, or must there be none? His adversaries will soon deny the consequence: And he, let him indulge himself in his Tyrannical Notions, as much as he will, shall never be able to confirme it. How then shall he defend the sacred person and life of the King? What sayeth he further? [*If soveraign Majesty be placed in Parliament or People (who may be guilty of shedding innocent blood, as well as the King) who shall shed their blood when they transgresse? Shall this be reserved to the soulder and smaller part of the People (as this Man speaks Pag. 240.) then there is ground enough laid for Eternal confusion.*] *Ans.* The Surveyer either subtilly or ignorantly confounds things here, which should be considered distinct, and leadeth his unwarry reader off the way: Wherefore we would have the Reader (though all this is nothing to the purpose in hand to prove the King uncontrollable, or unpunishable

punishable and unjudgeable for any of his acts) take notice of these few things which will help to cleare the matter. 1. That there is a not-judgeableness (to speak so) and not-punishableness *de facto*, which may be said of some notorious rebels and out-Lawes, whom neither Law nor power of authority can coëerce, and there is a non-punishableness and non-judgeableness *de jure*, when one is exeemed from Law-judgment and Law-sentence, so that he is above all tryal and sentence of Magistrates: Cases may fall out wherein such as are punishable & judgeable *de jure*, according to an ordinary way laid downe or allowed by God, may notwithstanding be unpunishable and not-judgeable *de facto*, either through corruption prevailing over all, or prevalency of power in the punishable person or persons: And this, though in an ordinary way irremediable, yet speaks not against the Ordinance and appoyntment of God and Nature. 2. That there is a difference betwixt personal faults of Governours, or such as are invested with authority and power, as was that act of Murther and Adultery in *David*; and publick miscarriages in poynt of governm. & in exerceing the power wherewith they are invested: of personal faults, speaketh *Lex Rex* in the place now under consideration; and upon this, have we vindicated that worthy Author, from vvhat this perverter of all things hath said. But here he mixeth these, and confoundeth them, that according to his vvay, he may pervert the truth. 3. There is a difference betwixt simple acts of male-administration in lesser matters; and betwixt such acts of male-administration, as pervert the ends of government. 4. There is a difference betwixt palpable cleare, and undenyable miscarriages; and betwixt such as are not so cleare nor unquestionable. 5. There is a difference to be made betwixt ordinary standing cases; and an extraordinary emergent: in an extraordinary case, vvhen the disease is desperate, a desperat-like and extraordinary remedy may be used without overturning the ordinary way which is to be used in ordinary cases. These things will help us to unravel his confused discourse. And so we Answer

1. If Parliament-members or privat persons among the People

People shed innocent blood it is no difficulty to know who should judge them. 2. If a Parliament as the Peoples Representatives Murder the innocent, I see not why they may not be called to an account by a posterior Parliament, as when a beanch of judges in civil matters, conspire together to oppress, by their unlayvful and unjust decreets, palpably such and notour to all; vvhhen they are deposed and others put in their places, the oppressed may get his cause righted, and reparation of dammage of them: Or vvhen a justice generall manifestly & palpably murdereth the innocent, he may be made to ansvvere before another put in his place: if this may be done (as I judge in poynt of conscience it may) so may the other be done with Parliaments. 3. If Parliaments conspire to overturne Religion, Lawes, Liberties, and thus destroy the Republick, I judge vvith *L. R. Pag. 240.* that the sounder part, if they be able, may resist and hinder, so far as they can, that destruction and ruine of the Republick. Neither ever shall he prove that this is a ground for Eternal confusion: O sayes he [*Any lesser part, when they have or think they have will and strength enough to through their businesse, will undoubtedly call themselves the sounder part, and labour to beare downe the corrupt plurality.*] *Ans.* This remedy to prevent destruction and ruine to the Commonwealth, may be of the Lord, though it should be abused by sinful men; for the best thing may be abused: And it is not the meane allowed by God and Nature which layeth a ground for eternal confusion; but the abuse of the meane maintained, whereof we are not guilty. But we have had abundance of such rotten consequences from him, who knoweth better what it is to deceive the simple with sophistications, then to satisfy the judicious with solid reasons. Then he addeth, „ [But the Christian Reader may easily see how hard this „ Author is put to it; and for all his saying that according to „ God's Law, Kings must be punished as well as others, „ yet is he forced to acknowledg a Supremacy of power in „ some, not punishable by any but by God.] *Ans.* This is but what we heard just now, and whether true or false, it helpeth him nothing: Have that Supremacy of power, which is not punishable by any but by God, who will, if the King



have it not, the King's life is not secured: And if he say, if any have it the King must have it. True, if this rotten malignant and parasitical *ignoramus* can make no bad inferences; but he hath already so often discovered vanity in this way of arguing, that we cannot account him infallible: And therefore let him prove his consequence; for we know him better then to take any thing from him upon trust. Well, what way doth he clear this, of *Lex Rex*? „ [For (*sayes he*) Pag. 389. „ when he hath given all power to the Parliament over the „ King, he objecteth to himself; *who shall punish and coërce the „ Parliament, in case of exorbitance*: He answeres, *posterior „ Parliaments*, and Pag. 211. he sayeth, *by the people and conscience of the people are they to be judged*, let all our Nobles and „ Parliaments hearken to this.] *Answ.* In the first place cited, *Lex Rex* is not speaking of Parliaments power over the King (as this squint-eyed *Surveyer* thinketh,) but is handling that question *whether or not Monarchy is the best of governments*? And is shewving in vvhhat respects it is best, and in vvhhat respects it is vvorste; and shewveth hovv a mixt Monarchy is best; and then ansvvereth some objections: And to that vvich some might object, *That Parliaments might exceed their bounds, and who should coërce them*? He ansvvered, *That posteriour Parliaments might do it*; and so there vvvas a *salvo* in that mixture of government. 2. In the other place he is shewving vvhhat relation the King hath to the Lavv, and that he is not the sole Lavv maker, nor sole supreme judge: And ansvvereth that objection, *That the three Estates as men and looking to their owne ends, not to Law and the publick good, are not fundamentalls, & are to be judged by the King. viz. That they are to be judged by the people and the conscience of the people*. Why calleth he the Nobles and Parliaments to hearken to this? What absurdity in reason is here? „ [Who ever head of this (*sayes he*) that „ one Parliament posteriour should punish the prior? Their „ acts they may retract indeed, but to punish them for their „ acts, is most absurd, because the prior Parliament in the „ capacity of that judicatory, had as much povver as the „ posterior. States men vvill vvonder at this doctrine; that „ Members of a Parliament should be punished for their free „ votes, by a succeeding Parliament, and far more at the „ sub

jecting them to the conscience of the People. ] *Ans.*

It is no small punishment and coercion to a Parliament, to have all their designs, consultations, and conclusions overturned, which may be done by posteriour Parliaments.

2. If Parliaments, by their free votes, sell Religion, and the Liberties of the land unto the *Turk*, and so destroy the same, and betray their Trust, I see not why they ought not be punished for their paines. If they should enact and put to execution the act, when made; That all who will not bow and burn incense to an idol should be brunt quick. I see not, why they may not by a posteriour Parliament be questioned and punished for that innocent blood which they have shed.

3. His reason to the contrary, is not good; for they never had power or commission for overturning the ends of government, and destroying the Commonwealth: if the Magistrates of a Brugh betray their trust, dilapidate the rents and revenues of the city, sell and dispoſe the rights and privileges thereof, may not the succeeding Magistrates call them to an account for that, notwithstanding that in the capacity of that judicatory, they had as much power (if any) as the posteriour.

4. Wonder at it who will, that which is right is right: and it is consonant to equity, that the consciences of the People be so far judges of what is done by their Representatives, as not to suffer them, in their name, and by any power borrowed from them, to destroy the Commonwealth and to overturn the foundations of Religion and Liberty, &c.

[, But then (*sayes he*) another objection, he makes posteriour Parliaments and People both may erre. He answers, *All that is true: God only must remede that.*]

What can he make of this? [, Well then (*sayes he*) if Parliaments or People destroy or murder persons innocently, God only must remede that; there is no power on Earth to call them to an account: Who sees not that at length the author is driven to acknowledge a power, which if it deviate cannot be judged by any on earth.] *Ans.* *Lex Rex* is not there speaking of particular acts of injustice Or iniquity; but of the whole ends of government: And so if Parliaments and People concur and joyne together to overturne all, all the world sees that there is no remedy on Earth:

Neither needed he to say that he was driven to this, seing it was so obvious to all who have eyes in their head. Though God hath appoynted meanes & ordinary rules to help abuses that are ordinary; yet when corruption is universal the ordinary meanes cannot availe, God himself must help that: & who knoweth not that extraordinary supposeable cases cannot infringe, or invalidate the ordinary rules for ordinary cases. Now all this is but vaine idle worke, and of no advantage to his cause; for he shall never hence prove though he should argue till his eyestrings break, that this Sovereigne uncontrollable power, which is not censureable nor punishable, is only in the King: And if he do not this, how stops he the Mouth of his adversaries? Howv salves he his Majestie's life, or the King from all hazard of censure? But then he adds to as little purpose, That *[It may be seen that his principles lead him to owne a meer democracy (which is the worst of governments) as the only lawful government: he placeth and fixeth the unpunishable sovereignty there.]* Answ. This is a grosse mistake: For this Man understands not what a democracy is. He takes democracy to be where all governe: But that is no government, where there is none to be governed, but all are governours. Democracy is where some are chosen out of all the People by turnes, without respect had to birth, meanes or other privileges, to governe the rest. And *Lex Rex* will not say that these governours have an uncontrollable sovereignty, but may be opposed & resisted, by the body of the People who choose them, as well as the King in a Monarchy, or the Primores Regni in an Aristocracy; because under all species of governments, the fountaine power and Majesty abides in the People, and is resumeable, in cases of necessity.

Thus we have seen how poorly and weakly this vaine man hath maintained the King's life and sacred person, and how by his foolish sophistications, and his weake and impertinent answers and assertions, he hath put the King's life in greater hazard then it was; for these poor people never had a thought of wronging his Majestie's person, or of spoyling him of his life, but now vvhhen he hath started the question without any provocation



provocation or just ground and occasion given; and can say no more then he here hath sayd for that cause, hath he not invited people to think of what they might do? And I am sure if they have no other restraint to binde up their hands, all which he hath said, will be but like the new ropes to *Sampson*. That which followeth in his third Chapter touching the Covenants betwixt King and People, is impertinent to his present purpose: For *Naphthaly* maketh use of these to prove the lawfulness of resistance, as may be seen *Page*. 19, and 30. and for that end, we have vindicated them in our former discourse from all his corrupt glosses and evasions. And wise Men will think him so far from deserving a reward, for what he hath done, that they will think he rather deserveth to be whipped, for his mismanaging this question of so great consequence, which he undertook to defend; and particularly for bringing the arguments, which are adduced to evince the lawfulness of resistance, as if they did with equal force strick against his Majestie's life and person; whereas many will be cleare for resisting, that will not be so cleare for punishing or executing the Prince: and since by his folly, and imprudent impertinency, making the same arguments prove both, people shall see that by what right they may resist, by the same right they may capitally punish the Prince, they will be so far from being scarred from resistance, which natures light doth so evidently demonstrate to be lawful and necessary; that they will be more emboldened thereunto, perceiving how they may do more, which possibly would never else have come into their minde: and sure all which *Naphthaly* hath said, could not have suggested such a thing unto them, or occasioned their thoughts thereabout, as impartial Readers will judge.

If any aske what he hath left undone for securing his Majestie's person and life? I am sure to name no more. he hath forgotten one thing, and that is, the pressing of the *Scelmenne League and Covenant* on the People; but knowing what he hath both said and done against this, he thought he could not fairely retract and condemne his owne tongue and

actions; yet if he think himself obliged to venture his life for the life of his Majesty, he might have also thought it his duty, to take shame to himself, to repent of what he had done, and recant what he had said, for the securing of his Majestie's life and person. Now that the pressing of this Covenant upon the People, would be a soveraigne remedy to preserve his Majestie's life; his Majestie's Royal father knew it, when being in the isle of *Wight*, & fearing that violence should have been done unto him by these in whose custody he was, he sent for *Mr Jeremiah French* minister of that place to which *Carisbrook* castle belonged, and desired him to preach the Covenant and presse it upon the People, that thereby they might be engaged to rescue him, in case any such thing should be attempted by that part of the army: See for this the postscript to the *Covenanters Plea*. And sure I am, if his Majesty would (as I said before) faithfully minde this Covenant, and cause the People stand to it, from the highest to the lowest, he would finde, that there could not be a more effectual meane imagined, for securing his person, then that would be. If he would faithfully owne, and according to his power lay out himself, for settling and securing the maine things contained in that Covenant, and walk in that due subordination unto the Supream governour of heaven and earth; The very conscience of these great and maine things, would presse a conscientious respect to, and a faithfull care of his Majestie's person; in reference to these great Ends. Which would prove more effectual for this end, then volumes of railing sophistifications, which this perjured, Prophane and malignant Prelate and anticovenanter could write and send abroad.

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## C A P. XX.

The Surveyer's discourse concerning  
the fact of Phineas examined.

**T**HE *Surveyer* being good at weaving Spiders webs, whereby he would catch flees, but is not able to hold stronger bodyes, spends a whole Chapter on a discourse in *Naphthaly*, *obiter* cast in, rather to prevent an objection, by shewing what difficultyes such behoved to meet with and roll out of his way, who would assert the utter unimitableness of the fact of *Phineas*, in executing judgm. on the Israeli-tish Prince and his Midianitish whore, to stay the plague and Judgment of God, which was broken out on the whole congregation, because of their defection to Midianitish whoredome and idolatry; then to assert any thing positively thereanent: & because any who considereth the place, & seeth how little is there positively asserted, & how much is set forth rather problematically, and by way of doubt, will easily perceive that the Author's scope. was not such as this perverse scribler giveth it out to be, we might let it passe, especially seeing our cause doth not hang thereupon, but may stand, whatever be said of that passage; yet lest this *Surveyer* should glory without ground, and become too too wise in his owne eyes, we must discover his folly in this his interprise.

Though he hath been at much Paines in this businesse, probably because it was his owne particular, to prevent, if he could, another shot, which might come as near to his heart, as the last came to his hand, though not intentionally, but *per accidens* because of ill company; yet, lest he should think that we were stirring up any to the like interprise, whether against him, or any of his perjured fraternity, whom we look upon as far below the indignation of any heroik person, we shall not insist on this, as we have done on what he hath said in the foregoing Chapters, but shall cursorily run over what he sayeth to this purpose.

We grant that every man should walke in his owne calling with God, 1 Cor. 7: ver. 20. and study to be quiet and do



his owne businesse, *1 Theff. 4: ver. 11.* But when He and his Party have perfidiously forsaken their calling, and have not loved the honour to be quyet to do their owne businesse, but have ambitiously usurped the honour and dignity of abjured prelacy, and become Lords and Councillers and Parliament-men, and thereby brought the wrath of God upon the land, for our defection and Apostasy, and are persecuting all who will not hold them in their saddle, and bear up their rideing mantles, to the wronging of their owne souls and consciences; other persons must minde their general calling as Christians and good Countrey-men, and endeavour an averting of the wrath of God, and a setting on foot againe a work of reformation according to their power: Ay but sayes he, [*Satan can drive men under several colours of extreme necessity, lawfulness of the matter of actions, the goodnesse of ends and intentions, the want of others to do the work, and mens owne probable capacity to do it, to act such things, whereof God will say I never required them at your hands.*] *Answe.* This is true, but what will he hence prove? Will he hence conclude that God may not animate some, to some rare enterprises, in a time of real extreame necessity, the matter of the action being unquestionably lawful, their ends and intentions really good and commendable, there being also a deficiency of others to do the work, and themselves in some probable capacity for it? His consequence will be denyed. [*This vaine Orator Naphtaly (sayes he) will have the instance of Phineas a precedent for any private persons, (such as lately did rise) under colour of high pitches of zeal and fortitude, to execute justice on all powers and people of the land, as being fallen in such a fearful Apostasy, as (keeping the true Protestant Religion,) do vary from them, in the external ordering of the Ministry of the Church, and imbraceing that way and order, against which there is no command of Christ, yea for the consonancy whereof to his word, much and very much may be sayd, Ezech. 36.*] *Ans.* He would faine mince the defection, ywhereof he and the rest are guilty, and tell us that they keep the true protestant Religion; but hovv vve have heard before: and that all the difference is about an external ordering of the ministry of the Church, against which there is no command

mand of Christ, and for which much may be said, & hath been said. But this is not the place to speak of the abjured prelacy, occasion may given further in his following part: only we would say that much more hath been said against it, to shew it utterly unlawfull, then he or all his fraternity will be able to answer: And unless he prove it absolutely necessary, and no other forme lawfull, which he dar not so much as undertake to prove, he shall never cleare the land of fearful Apostasy and defection, in renouncing a Covenant sworn by all ranks of people. And because his feares are most about himself and other Apostates, he supposeth that that discourse in *Naphtali* is brought in of purpose to incite some to execute justice on him, and such as he is; whereas any may see that it is cast in among other things adduced to justify our first Reformers: And so timorous is he, that because that fact of *Phineas* is not simply and positively declared not imitable, he thinks it is held forth as a precedent to incite: Whereby we see what an ill conscience is. Ay but (sayes he) [*Though he turne himself Proteus-like into many shapes ——— he cannot put a sufficient bar against confusions under such pretexts.*] And who such a *Proteus* as this *Surveyer*, and his fraternity, a company of base changelings: But thinks he it possible that any doctrine can be so clearly and distinctly asserted as none will ever abuse to error and confusion? The Scripture is plaine enough against Lordly Prelates, and Covenant breaking, and yet we know how some can abuse these truths of Scripture, to defend defection, and the overturning of the work of God in his Church, and so confound and overturne all. Thereafter he tells us, [*That when this discourse was first looked upon ——— men of judgement considered that as the former bloody insurrections, were endeavoured to be justified by him, So he was laying downe grounds for some mercyllesse Massacre, and horrid assassinations, on persons in power and others ——— for now no man can have security of his life.*] What these men of judgement could be, who could either suppose the former, if they considered the place where that discourse stood; or could fear the later, if they considered the discourse it self, I cannot tell: But it is like, he and the rest of the Apostates, are accounted the Men of judgment;

Judgment; & indeed as these might have fancied the former so they might have feared the later: for were this fact of *Phineas* asserted to be as much imitable as any other uncontrollable example in scripture, all persons, notwithstanding thereof, would have sufficient security of their life, except such as were guilty of dreadful apostacy, causing, the plague of God to break out upon the land: And we know the best examples may be abused. And therefore that which he sayeth pag. 106: § 107. concerning *Munster* madnesse, and the Murtherers of the two *Henries of France* the 3. and 4. and the gunpouder Traitors, and *Arthington Coppinger* and *Hacket* in *Queen Elizabeth's* dayes, is nothing to the poynt: for neither heare we that any of these founded their actions upon *Phineas's* fact: and though they had done so, It would not have proved that it was not imitable, in any cases: for why? Wicked Magistrates have persecuted innocents, in all ages, shall therefore the examples of good Magistrates executing justice on wicked apostates, and flagitious persones and idolaters, be declared altogether un-imitable, because some corrupt Magistrates under that pretext abuse that power, and persecute such as they should rather honour and highly reward? would not any body smile at such a consequence? And yet such is his here. Let him make it to appear, that the matter of the actions of these persons was lawful, and the necessity extreme, and the case was the same as to the deficiency of others to do the work, and that they were in a probable capacity to do it, & then he shall speak more home to the case. He needs not tell his readers, Pag. 107. [*That such abominable courses carried on under pretext of heroick motions, and rare excitations of the spirit, should make the fearers of God very cautelous against the principles of this Man, which lead this way.*] For that man neither approveth these courses, nor any such like, nor doth his principles lead that way, whatever he imagine; nor doth he assert (as he alledgeth,) [*that there needs no standing upon an externall call, if men think they have his internal call to use the sword for vengeance against Apostate Magistrates ——— and Reforme an Apostate Church, their zeal is a sufficient call to rise up in a Phineas like fortitude, without further,*]



any will see vvhoe reads over that discourse. Nor needeth  
 he to say, [*that if people be so principled, it were better living under  
 the great Turk, where no man is so losse his life but by Law, then in  
 Scotland,*] For he doth not expose any to the fury of private  
 persons, who can pretend rare and heröick excitations of the  
 spirit to execute justice on men, when they think there is  
 cause (as he supposeth in the following words) nor could  
 he rationally be supposed to do so, though he had clearly  
 and positively asserted that that fact of *Phineas* was, in all  
 poynts & alwayes, imitable; far lesse when he is loath to assert  
 so much, as this *Surveyer* himself acknowledgeth in the  
 following words, Pag. 108. confessing that he said, *we hold  
 no such instances as regular precedents for all times and persons uni-  
 versally.* What displeaseth him then? [*But where is (sayes  
 he) the caution that is put in against any that will pretend heröical  
 excitations by the spirit, as a sufficient cal: he hath opened a door but how  
 will he close it againe?* *Ans.* What could himself say more to  
 bar a heady People from such pretensions of *Phineas*-like  
 notions, then that it was not a regular precedent for all  
 times and Persons? Is it not possible (as hath been said) yea  
 and often seen, that the most cleare and approved examples  
 have been abused? And what can be said to this, but that  
 such must run their owne hazard and beare their owne guilt?  
 God only can prevent all confusion in all cases. It is false  
 which he addeth that [*This man hath proclaimed this libertinisme  
 to private persons, upon pretence of heröick excitations of Zeal &c. so  
 as to set up against all powers above them; for they are made judges in their  
 owne private discretion, when it is fit to fall in hand with such irre-  
 gular practises; and when it is that such heröick excitations are upon  
 their spirits, and when it is that matters are so far out of order that they  
 cannot be amended without their violent interposing, and pulling  
 downe of powers: All this is referred to private persons discretion.*]  
*Ans.* No such thing is there said, and *Phineas* instance will give  
 ground for no such thing, though it were pressed as a most  
 regular precedent. As we grant with him, that *Quakers* and  
*Danvers*, &c. may start up, and plead their impulses, and  
 that People (when they minde changes) will not want  
 retexts: But what sayes that against the thing, being the  
 best

best things may be abused? Ay but *Naphtaly* (sayes he) holds [That *Magistrates* when patronisers of abominations ought without doubt be suppressed by all meanes; so that if there be not probable capacity for armes, a dag or a dagger, a pistol or a poisoned poinard, a spanish fig or some secret applications, may do the businesse w<sup>th</sup> some great ones] *Answ.* *Naphtaly* in the place cited Pag. 18. is speaking of open idolatry, blasphemy, perjury, venting and spreading of heresy, and such like abominations, which being most dishonourable to God, & pernicious to all Commonwealths, ought, sayes he, by all meanes to be suppressed, that is by all faire and possible meanes, for *illud tantum possumus quod jure possumus*, and so, had he not been too captious, be reason of (itis like) his green wound, he might have spared the rest, and to his liturgical prayer following [That the life of our dread Sovereigne may be bound up with the Lord his God in the bundle of life, and also that the same great and good God may be a shield and buckler to his servants (who desire in honouring of the King, to feare him the King of Kings above all) against the generation of Men of blood and violence.] We shall desire him to add this *Letany*: from perjury, pride, profanesse, blasphemy, impenitency, atheisme, and all manner of uncleannesse, good Lord deliver us and our King. And to prevent all these feares, let his Majesty and other *Magistrates*, reforme their wayes, and turne to the Lord, and execute judgement on him and his complices, and all the rest, who now pretend to honour the King, and to feare God, but in effect do deifie a creature and renunce their homage to the King of Kings, and so provoke him to destroy both them and their King, by their apostasy and wicked defection, and that openly before men and Angels, as *David* hanged up the Sons of *Saul* before the sun; and then they need not fear either dag or dagger, pistol or poysoned poinard, a spanish fig, nor any such secret applications.

Thereafter Pag. 109. he comes more particularly to consider that discourse, and gives us there and in the following Pages 7. or 8. *Answers* The first is. [That it is much doubted if *Phineas* was a meer private person, being the high Priests son, and a chief priest, and a Prince in his tribe *Numb.* 31: 6. *Jos.* 22: 31, 32.

one of the great Council Num. 1: 16. and 16: 2. who did in that dis-  
mal time, Numb. 25: 6. meet with Moses the chief Magistrate  
to lament the abhorrible idolatry, and bodily filthinesse committed  
at that time, and to consult and advise, about the authoritative  
restraining of this wickednesse: In the mean time when the great  
council are humbled before the Lord, Zimri with his Midianitish wo-  
man, are in their very sight going in to the tent, and Josephus  
sayes, that before Moses and the Council, he justified the fact,  
and pleaded forwardly to have and retaine her. In this case of so  
effronted wickednesse, Phineas then one of the congregation or great  
Council v. 6. rose from among the congregation (or great Council  
which shewes he was sitting amongst them) Under the eye & knowledge  
and approbation of Moses the supreme Magistrate, pursued them  
both to the tent, and thrust them thorow.] *Ans.* 1. Then it seemes  
this fact of Phineas was a laudable act of iudice in a Magistrate,  
and so must be a precedent example for judges and Magi-  
strates in all time coming, and by this example, any member  
of the Council might lawfully rise up, and execute judgment  
on this wicked wretch and his cursed fraternity, who have  
brought, by their apostasy and defection from the Covenant  
and cause of God, the wrath and curse of God upon the  
land. 2. That Phineas was the High Priest's sone, we know;  
and that he was afterward High priest himself, is truth; but  
that he was at this time a publick Magistrate, or a member of  
the great Sanhedrin, we see not. It is true there were some  
Princes of the tribes, men of renowne Numb. 1. ver. 16. but he  
is not mentioned among those; neither were these the great  
Sanhedrin. So these princes of the assembly Numb. 16: 2. were  
not the Sanhedrin, which did consist but of 70 Members,  
Numb. 11. Nor was Phineas one of them. And that congre-  
gation of the children of Israel mentioned, Numb. 25: 6.  
amongst whom Phineas was ver. 7. was not the Sanhedrin,  
which we never finde (as I remember) so called; but the  
whole body of the People, who were then mourning partly  
for the sin committed, and partly for the execution, when  
the heads of the People vvere hanged up, and a thousand  
more killed by the judges, at Moses his command: for Paul  
1 Cor. 10: ver. 8. sayes there died of the plague twenty three  
thousand



thousand, and here vve finde there fell in all twenty foure thousand. Againe it is remarkable that this single act of *Phineas* in killing two persons is so much rewarded and taken notice of by the Lord, yea more then the many who were killed by the judges *ver. 5.* So that it seemes he was no publick Magistrate: and that he did it with the approbation of *Moses*, is probable; but that *Moses* did command him, we see not; only we finde that the Zeal of God moved him, and therefore is he highly rewarded; though he was but *the son of Eleazar the son of Aaron.* Yea that which the *Surveyer* citeth out of *Deodat* rather confirmeth this, for *Deodat* calleth it an act of extraordinary zeal & motion of God's Spirit, and he addeth that *Moses* the Supreme Magistrate did approve it; but what needed this, if he had been a Magistrate, seeing there was a command given to the Magistrates *ver. 5.* and a command is more then an approbation, *Aquinas* and *Gerhard* call him, it is true, a judge, but we see no proof, unlesse they could evince that he was a member of the *Sanhedrin* of which *Gillespy* speaks in his *Aarons rod. lib. 1. c. 1.* The *Dutch Annotat.* on *Psal. 106: 31.* Suppose him to have been no Magistrate, but say that this fact was beside his ordinary calling.

His 2. answer is *Pag. 111.* *That suppose he had been a meer private person, yet it could prove nothing, because he did it with the approbation and good liking of Moses, and so he is but the executor of that unanimous sentence.* *Answ.* But not only is this not written, but the scripture giveth another ground of his fact, then any warrand or command of *Moses*: And so his answer *in rebus facti*, a *non scripto ad non factum non valet consequentia* is not to the purpose: Now I say the scripture giveth another ground *viz.* his zeal for his God, which is not spoken of the other judges who *ver. 5.* were commanded of *Moses* to execute judgment, yea that word *Psal. 106: 30.* *then stood up Phineas and executed judgment* clearly hinteth at more then his being a meer *satelles Magistratus*, and the ample reward which was given him, and the Lord's counting it to him for righteousness, speak some other thing, then that he had a call of the Magistrate, and was his executioner.

In the 3 place, he sayes. [*The cases are different; for then was horrible idolatry and villanous whordome committed avowedly, and with a high hand, in the sight of the Sun, and in way of open doing despite to God, but it is not so now.*] *Ans.* Prudence might have taught him to have concealed this, for it were easy to draw such a parallel as would make him afrayed, if any did intend to follow that example: For I am sure what ever he account of the present apostasy, and how ever he mince it, as no doubt *Zimri* would have minced his uncleannesse, when he justified the fact before the Council, as he told us *Iosephus* said; yet the apostasy and perjury is open, avowed, abominable and villanous, committed in the sight of the Sun, in despite of God, and maintained as right and lawful, howbeit it be such as the very heavens may be astonished at: For such open, avowed, malapert vvickednesse, defection and perjury (all things considered) vvas never heard of in any generation. Howv our reformation, and confession of faith is maintained, vve have heard; and albeit he make all the change to be only a change of the exterior forme of Church government, yet when he is before his judge, he shall finde in the cup of this iniquity, manifest & avowed perjury, overturning of the work of God, destroying of the interest of Christ, blasphemy, near unto that unpardonable sin (if not the very same,) in fathering the works of the right hand of the Most high, on Satan; open and avowed persecution of godlinesse; opening of a gap to all licentiousnesse, horrid iniquity, increase of dolatry; villanous and avowed whordome, Sodomy, theifme and devilry, and more wickednesse then tongue can ell, or pen can paint out, but is on clear record before the Lord.

4. (Sayes he) [*Let it be so, that he was a meer private man, and had no warrand from the Supream Magistrate to do what he did, his fact cannot warrand Men to attempt the doing of such acts, unlesse they can shew as good warrand and approbation from God as he could.*] *Ans.* That he had God's warrand and approbation vve do not doubt; but that it was such an approbation as was peculiar to extraordinary un-imitable acts, is the thing in question,

we grant with him. That God who is the Lord of all Magistrates, and of all men's lives, can (when it pleaseth him) crosse ordinary rules, and appoynt some to execute his judgments extraordinariely; but the question is whether every thing, which the *Surv.* accounteth extraordinary, is so indeed. [*He may (sayes he) send Moses to kill the Egyptian Eglon to kill Ehud (he should say Ehud to kill Eglon) Elias to destroy companies of men with fire from heaven, or to kill Baal's Priests: He may command Abraham to kill his sone Isaac: he may excite David to a bloody duell & Sampson to murder himself.*] *Ans.* Will the Surveyer account these instances alike extraordinary and unimitable? Sure Royalists will think that *Ehud's* killing of *Eglon* may warrand any private person now, to kill a tyrant without title. But I lay more weight upon *Iohn Knox* his distinction in this matter, in his debate with *Lithington*, *kist. of reformation*, Pag. 390. (*edit in fol.*) [*And as touching (sayes Mr. Knox) that ye alledge that the fact was extraordinary, & is not to be imitated. I say That it had the ground of God's ordinary judgment, which commandeth the Idolater to die the death: and therefore I yet againe affirme, that it is to be imitate of all these that preferre the true honour of the true worshipec and glory of God, to the affection of flesh, and wicked Princes.*] and when *Lithington* replied. *That we are not bound to follow extraordinary examples, unlesse we have the like commandment and assurance (the same which this Surveyer sayeth.)* He answered [*I grant if the example repugne to the law: as if an avaricious and deceitful man would borrow Silver, Rayment, or other Necessaryes from his Neighbour, and withhold the same, alledging that so he might do, and not offend God, because the Israelites, at their departure out of Egypt, did so to the Egyptians. The example served to no purpose, unlesse that they could produce the like cause, and the like commandement, that the Israelites had: And that because their fact repugned to this commandement of God Thou shalt not steal: But where the example agrees with the law, and is, as it were, the execution of God's judgment, expressed within the same, I say that the example approved of God stands to us in place of a commandement; for as God, in his Nature is constant and immutable, so can he not condemne in the ages subsequent, that which he hath approved in his servants before us; but in his servant befor*



before us, he in his owne word confounds all such as crave further approbation of Gods will, then is already expresse<sup>d</sup> within his scriptures; for Abraham said, They have Moses and the Prophets &c. Even so I say, that such as will not be taught what they ought to do by the commandement of God once given, and once put in practice, will not beleieve nor obey, albeit that God should send Angels from heaven to instruct that doctrine.] Now sure I am this fact of Phineas was according to the law, and to the expresse minde of God, and why then might it not be imitated in the like case? What warrand, command or commission had Phineas which none now can expect? 1. (sayes he) [*He had the Motion and direction of God's Spirit, which was loco specialis mandati.*] Answ. We know men must need the Motions and directions of God's Spirit to ordinary and allow'd duties: How shall these make this fact altogether un-imitable? It is true Calvin sayeth it was a singular and extraordinary motion, which may not be drawne to a common rule, but notwithstanding thereof, I see not how it should be altogether un-imitable or uselesse. But grant it were so, as Calvin sayeth, unlesse he say that it is never to be imitated, in no case, and that no such thing is ever to be expected, which I suppose he will not say, now will he prevent confusions thorow the abuse of corrupt men, who can pretend as wel these singulare and extraordinary Motions, as the example of Phineas? As for what he tells us Augustin and Bernard say of Samson's case, is not to the poynt: Because according to that solid distinction of Mr. Knox, that was contrare to an expresse law, *Thou shalt not kill*, and such also is the example of Abraham. 2. He tells us, That [*Phineas had not only a large reward of his fact, Numb. 25: ver. 12, 13. but an ample approbation of it, Psal. 106: ver. 31: it was accounted to him for righteousness, i. e. as a righteous action, both as to the intension of it (God's honour) and as to the ground and warrand of it (God's direction) God doth not approve or remunerat any action, which one way or other he doth not command.*] Answ. This is all granted; and as it sayeth that Phineas was no publick person or Magistrate, otherwise there had been no doubt anent its being accounted to him for righteousness, though it had not been expressly mentioned by the

Spirit of God, for it sayeth that sometimes private persones are allowed of God, to do what he requireth in ordinary to be done by Magistrates. [*There are none of these extraordinary actions (sayes he) mentioned in Scripture, but either God's stirring up men to the same, or his approbation of the same, one way or other is noted: See Judg. 3: ver. 10. and 5: ver. 7. and 10: ver. 23. and 3: ver. 9, 15. and 2: 16, 18.*] *Ans.* Will he say that all these instances were extraordinary and not imitable? Whence will Royalists then prove, that private persons may kill a Tyrant without title? And if they be not altogether unimitable, then the cause is here yeelded; for God may be said to raise up, and to stir up Mens Spirits even to imitable actions; & so he hath given us no reason as yet to prove Phineas fact altogether unimitable; nor will the real rebukes, which he saith God gave the late risers, proclame that they had not his approbation, unlesse he say that God's approbation of actions must alwayes be interpreted by the event, which is not consonant to true Divinity.

In the 5. place he tells us, [*That if once men come to presse the imitation of this instance, they must say, first, that even when the Magistrate is godly and zealous and willing to execute judgement, (as Moses was) private persons may do it, and without any legal processe, 2. goe to mens tents and chambers and stob them, and 3. that though such things be done in consulto pio Magistratu, yet the doer must not be challenged.*] *Ans.* It will be sufficient if it be granted, when the case is every way the like, or worse: It is true, Moses was not unwilling, but it is like at present incapacitated, through the want of assistance of inferiour Magistrates, many of whom were guilty, and many had been executed; and through grief, while lying mourning before the Lord. 2. There needed no legall processe; for both the law and the sentence was written with characters of blood upon the carcases of thousands; & this Mans fact was notour and avowed, to all the Congregation. 3. He had the interpretative consent of that pious Magistrate: why then may not the like be done in the like case, where the *Ius*, and the *factum* is as clear and undenyable as here, and the Magistrate who should execute the sentence is out of a present capacity and

and the matter admitteth of no delay as here, (for till this was done, the plague was never stayed,) much more if he will not, and wrath is still poured out from the Lord; and the Magistrate by his place is bound to assent, & approve of the thing. If such a fact were done in the like case, would any think that the person should be challenged and not rather approved by the Magistrate?

In the 6. Place he giveth us, the distinction betwixt extraordinary and heróical acts, telling us that a heroick act doth not deviate from the rule of a common vertue, but only proceeds from a more intense disposition to a high pitch of vertue and of the acts thereof: *But an extraordinary action goes beyond any ordinary rule of common reason or divine word, as that Abraham should kill his Sonne Isaac.* *Ans.* We shall not contend with him much about this, since he will grant that heróick actions are imitable, as not being contrary to a rule of common vertue; though extraordinary actions, which are rather contrary to the rule of common vertue, may not be imitated: And he hath not yet proved, neither can he prove that *Phineas's* fact was so far beyond any ordinary rule of common reason or divine word, as was that of *Abraham*, and the like. We shall grant with him. That *Extraordinary actions, are such as are done upon special mandate of God, and are not within the compasse of ordinary acts of obedience according to the rule, that is set.* And that *[men may have heroick motions & actions within the bounds of an ordinary calling, as Luther had; as sometimes, though they have an extraordinary calling, they may want heroical motions, as Peter when he dissembled.* [But what sayes this to *Phineas* his fact? [*Phineas* (sayes he) had not only excitations of zeal and heróical motions, but (supposing him a meer private person) he is to be looked upon as having extraordinary calling from God.] *Answer.* Doth this man give a distinct sound? He complained of the Author of that discourse concerning *Phineas*, that he turned himself *Protes*-like into many-shapes, and we finde himself doing little better here: He dar not say positively whether he was a meer private person or not, but if he was such, then the action was extraordinary; but what if he was not? Then the action was neither extraordinary nor heróical, and thus we



are no wiser then we were; for we know not what to make of the action; nor what to make of the person, but we must judge of the person by the action; And of the action by the person. That is to say, if he was a Magistrate then the action was ordinaire, but if he was a private person then the action was extraordinary: and *è contra*, if the action was extraordinary, he was a private person, and if it was ordinaire and imitable, Then he was a publick person. Is not this a singularly satisfactory way of answering? But it is observable that he dar not here say that Phineas's fact was extraordinary, but that he is to be looked upon as having an extraordinary call, now a man may have an extraordinary call to an action imitable, as the Apostles had an extraordinary call to preach the Gospel, and yet that action of theirs is imitable. But how proves he this extraordinary call? , [ It is (sayes he) fully enough insinuated both by God's approving and rewarding him, *Numb. 25.* ( and he rewards not our wil-service, nor approves it, but what he hath enjoyned himself) and also by *Psal. 106.* where it is said Emphatically *it was imputed to him for righteousness*: though judging according to ordinary Rules, it might be imputed to him for sin (supposing him for a meer private man) yet, having God's warrant, whose will is the rule of righteousness, the deed was imputed to him for righteousness. ] *Ans.* It is true, God revvards not, nor approves not vvil-service, yet he approves and revvards other actions, then such as are extraordinary and not imitable. 2. God's *imputing it unto him for righteousness*, sayes clearly he vvas a private person, and that God accepted of his service as a noble act of holy zeal for God and his glory, and rather speakes out an encouragement to all, to do the like in the like case, then any extraordinary call he had, vvich none novv can expect.

Then in the 7 place he speaks of *Callings* & sayes that [Every calling a man hath to any work Must be either Mediate or immediate (there is no mids betwixt these two, as there is not between contradictories) if they be not called by the intervention of men, & their allowance, they must plead an immediate calling from God.] *Ans.* Because I minde not to enter into

to a Logomachy, or debate about words, & tearmes: - I would desire him to tell me, what call men have to run together to extinguish a fire in a city, when the Magistrates through wickednesse or negligence will not, or do not, call People forth unto that work. They have not Man's call, nor have they an immediate call from heaven, and yet they have a lawfull call from God, Nature and necessity, to save the city, their houses, goods & little ones, from being burnt into ashes. And what ever name he give to this call, we will allow it to private persons to defend Religion and a land from ruine and destruction, when Magistrates do not nor will not do their duty. And when men, whether out of secret impulses, heroicall motions, or out of meer sense & conscience of duty, do this, they do not desert their owne calling and state, like these spirits *Jud. ver. 6*. Nor do they intrude upon the Magistrate's office, though they do materially that work for that exigent, which Magistrates by office were bound to do, being called thereto by God, by Nature, and the call of inevitable necessity, which knoweth no humane law, and to which some divine positive lawes will cede. But then he says *Pag. 115*. [*Why is it not also sufficient for the office of the Ministry without a call from men externally?*] *Ans.* And doth he think that necessity will not allow a man sufficiently gifted and qualified to exerce that office without an externall call from men, in some cases? What if a company of Men be cast out on an island, having no correspondence nor possibility of correspondence with other places, whence they might have some lawfully called Minister; and there be one among them qualified for the work, might not he in that case think himself called of God to exerce that function? And when we grant this, we need not yeeld unto *Anabaptists*, *Enthusiasts*, *Phormians*, or the like, who are against an external call at any time, alledging that gifts are sufficient [*And (sayes he) how shall he refuse to admit women to Baptize Children in case of necessity?*] *Ans.* He shall not refuse provideing he shew the necessity, which he shall not be able to do unlesse he turne Papist, and then he will imbrace the consequent also, without our admission.

In the 8 place he comes to tell us that [*It is in vaine to say that God's hand is not shortened, &c. for our question is not of that, but if now after the Canon of holy Scripture is perfected sealed and consigned, we have warrand to look for any extraordinary persones, having Gods secret and special Mandates, to do works which any ordinary calling doth not interest them in?*] *Answ.* Prophecies and predictions of future events, are not works, which any ordinary calling men have, by allowance and approbation of Men, according to the rules of common reason and the word, doth interest them in; and doth he think God's sealing and perfecting the Canon of Scripture hath so bound him up, as that he will not, or cannot now give such a Spirit unto any? 2. The question rather is; Whether now when the Canon is sealed and perfected, examples of Zeal and valiant acting for God and his glory, in times of corruption and wicknesse, in actions not contrary to the Law of God, registrated in Scripture, be not for our use and instruction, and imitable?

When *Naphthaly* wished that all God's People were as *Phineas* He concurrerth with him [*In wishing that they may be filled with Zeal to his glory as Phineas was; but not that they should have the same exercise of Zeal, unlesse they could be certified of their warrand and calling to do so, as he was.*] *Answ.* That he was certified of his calling & warrand we doubt not, but that he had such a call as no man now is capable of, is the question; & he hath not yet cleared it. [*The Apostles of Christ (sayes he) are to us examples of Zeal for God in their Ministry; but who will say that the acts which they Zealously did, by vertue of their extraordinary calling, as Peter's killing Ananias, are for our imitation.*] *Answ.* Peter killed *Ananias* and *Sapphira* by a power of miracles, which none now have. *Phineas* did not kill the Prince and his whore, by a power of miracles. Their examples are imitable according to our power and the exigence of the like necessity; and therefore Ministers should novv out of zeal, use Church censures, against such dissemblers when discovered: And so we grant that to follow al the facts of them who have been truely Zealous for God, were indeed an evil Zeal, like the zeal of the Disciples *Luk. 9: ver. 54.* and we shall willingly heark



to *Peter Martyr's* his words *Loc. Com. Class. 2. Cap. 9.* and  
 rant that „ We must beware to confirme any thing which  
 we vehemently and extraordinarily desire by the exemple  
 of predeceffours. And that, when we attempt the doing of  
 any thing contrary to ordinary commands of God, it is not  
 enough to produce the example of others, but we must  
 search by what Spirit we are led, lest under a specious pre-  
 text we follow carnal affection and prudence. And yet  
 ty, that in some cases private persons may execute judgement  
 n Malefactors, after the example of the Prophet *Elias* killing  
*Baals* Priests, *1 King. 18.* Which fact *Peter Martyr* in the  
 same place, *n. 4.* defendeth thus [„ I say it was done by the  
 Law of God: for *Deut. 18.* God decerned that the false  
 Prophet should die, and *Cap. 17.* the same is said of private  
 Men and Women who would worships idols. But  
*Cap. 13.* not only is death threatened against a seduceing  
 Prophet, but a command is added, that no man should  
 spare his brethren, the Son of his Mother, nor his son or  
 daughter, nor his dearest or most intimate friends: Thirdly  
 it is commanded that the whole city, when it becometh  
 idolatrous should be cut off by fire & sword: And *Lev. 24.* it  
 is statuted, that the blasphemers should not live; to which we  
 may adde the Law or equity of Taliation; for these Pro-  
 phets of *Baal* caused *Jezebel* and *Ahab* kill the servants of  
 the Lord.] He sayes (it is true) that King *Ahab* being  
 resent did consent, and did not withstand; but we see  
 nothing in the text shewing that the Prophet founded his fact  
 upon that consent. It is true, the King might have been so  
 astonished by that prodigious sight, that he durst not spurne  
 against the Prophet, and all the People: But that for all  
 this, he gave any expresse command, either through fear,  
 or desire to have raine; or that the Prophet either sought,  
 or had his warrand and command for what he did, we see  
 no ground for it in the text, More then *Samuel* had war-  
 rant of *Saul* when he killed *Agag* before his eyes, whom  
 he should have killed himself according to the command of  
 God.

Thus have I answered all which this pamphleter hath said concerning *Phineas* his fact: for what followeth to the end of his pamphlet, is not much to this matter, & hath been spoken to formerly: and though I have done so, I would not have the Reader to think, that I do look upon that example of *Phineas* as a binding precedent in all times to all persons, unlesse it be every way so circumstantiated as it was then. And furder I suppose it will fully satisfy this *Surveyer* and stoppe his Mouth abundantly, if I shall secure him from any such dag or dagger. To which End, because I can do no more, I do heartily wish, That none of God's People do in that manner defile their fingers on him or on any of his cursed fraternity, to whom God is reserving (if they repent not) the vengeance of hell fire, and possibly a visible stroke of justice on Earth, in a way which will be more to the glory of God, and to the satisfaction of all such as love his cause and his coming.

## C A P. X X I.

Some Animadversions upon the Surveyer's  
Virulent preface and Title-page.

**W**Hen thus we have fully examined and confuted vvh<sup>at</sup> this Enemy hath said, in this part of his Survey. I will not be amisse, till we see what he sayes further in the following part or parts of this infamous work of his, touch a little upon his Title-page and his most bitter, and satirick preface, which is a perfect proof of the man's Spirit for he cometh forth in his owne colours, & with his tongue speaketh no flattering words, nor words of butter, but both heart and tongue are full of gall and worm wood; So that his Name should not be Honeyman but Wormwood-Man or Man of gall.

1. He calleth his work a *Survey*: Or rather a *Superficial view*: For No man, who ever put pen to paper, took such  
over

verly look, of the books which he pretended to answer, s this Man doth of these books which he mentioneth in the title page of his scurril pamphlet, as hath been abundantly already shewed: And if he do no more in the following part or parts, then he hath done in this first part, he may deservedly bear the name of a *Superficial prelate* superficially viewing his adversaries forces, & superficially managing the ottering cause; for which he should have been superficially rewarded.

2. A *Survey* of what? Of the insolent and infamous libel, Entitled, *Naphthali* &c. But whether his railing pamphlet, or *Naphthali* do best deserve the title of an *insolent and infamous libel*, let the Reader judge when he hath considered, first, that as *Naphthali* came forth without the author's or printer's name prefixed, (for which every one may be convinced there was sufficient reason, seing such hath been and is the wickednesse and cruelty of corrupted tyrannical Courts, and of none more then our Court novv in being, that none durst without manifest hazard openly rebuke in the gate, or in print shew the iniquity of their vvayes. Yea Or vindicate such as oppose their tyranny and cruelty. So doth this *Survey*, vvwhose author could be under no rational feare from the povvers novv in being, for his advocating their cause; seing he hath been so richly revvarded for the same, as is sufficiently knowvne: And therefore, his *Survey* deserveth much more to be tearmed *Libellus Famosus*; seing notwithstanding of the warrand, Yea & reward of the Magistrates, he dar not owne it, by prefixing his name to it; Nor dar the very printer prefix his name. Next the nature of *Naphthali's* discourse is but an historical deduction of the troubles, the Church of Scotland, in her reformation, hath met with the hands of a popish, prelatical and Malignant faction, with a necessary vindication of the truth, which is allowed to all historians, that thereby, truth may be the more cleared, and the Readers more edified by the history. And who ever heard such a faire and cleare deduction of Matters of Fact, together with a few reasons here and there cast in for the Readers further satisfaction, called an *Infamous libel*, till this



this impudent ignoramus arose? And as for his pamphlet, do not all see, who consider either its scope, or its method, or the vvhole straine of the discourse, that it can be tearmed nothing else, then a most impudent, insolent and infamous libel, being not only larded, with bitter invectives against the Cause and People of God, and railing speeches more suteable (if suteable for any rational creature) for open scolds and brawling wives, then for a man, (unlesse he except such a man, as hath by perjury and more then feminine levity, declared himself, by his owne grant, to be *one of a debauched conscience*) but also tending most falsly to father on the honest people of God such things as never came into their mindes: Whereby this railing *Rabshakeh* proveth himself, to all sober judicious persons, to be an impudent lying calumniator; and his pamphlet, a more then ordinarily insolent, base, lying, and infamous libel.

3. He tels us, that in his *Survey*, *several things falling in debate in these times are considered*. But by vvhhat vve have said, vve have seen, that such things as he hath in the preceeding chapters considered, for the most part, are either such things as should be put beyond debate; by all who have not renounced Humanity, Reason, & Religion; or such things concerning which himself hath needlessly and foolishly (as it may be his rewarders will finde) moved the debate; unlesse he bring some other things above board, in the next part or parts, then we see in this?

4. Moreover, he tels us, that [*here some doctrines in Lex Rex & Apol. Narration (he should have said relation) are brought to the touch stone.*] But if in what he hath furdere to say, he mention not some other doctrines, then what we see in this part, every rational Man will see that he hath rather brought some *drops* then *doctrines* of these books to any touch stone, yea even to the touch stone of his owne unsolid and buttery fancy, for his Reason hath no pallat to taste truth aright.

5. In this *I. part* he tels us that [*He Represents the dreadfull aspect of Naphthali's principles upon the powers Ordained of God, and detects the horrid consequences in practice, necessarily resulting from* *sun*]

*such principles.* But more truly, the dreadful state of his owne distempered braine, both in his judgment, misunderstanding what *Naphthali* sayes, and in his ratiocinative faculty, giving us nothing but *non-sequitur's* for clear consequences, And the manifestly dreadful aspect, which his owne principles have on all Commonwealthes, and on all Rational and Religious persons, together with the affected stile of a base & ignorant *gnatho, Time serving parasite* & Royally rewarded court flatterer, who having a latitudinarian's conscience, or rather conscience utterly (I wish, not irrecoverably) debauched, maketh no conscience what he sayeth, if he can please King and Court: And how pernicious such Sycophants have been to Kings in all ages, histories sufficiently declare.

6. Then he præfixeth, *Iob 13: ver. 7, 9, 11. will you speak wickedly for God, &c.* A passage which most fitly quadrats with him (unlesse he say he intendeth not to plead for God, but for a creature, yea and upon the matter, for the devil) who, as Job's Friends conspired against *Iob*, and maintained wrong *theses*, & erred no lesse in the *hypothesis* or in the application to *Iob*; so he conspireth with other Royalists to defend erroneous and long-since decarded *theses*, and maketh evil applications to our present case, as hath been shewed. His discourse sheweth to all that he is an acceptor of persons, not secretly indeed, but openly; and so this forger of lies speaks wickedly for the King, who is (very like) all his God: But we are confident, God shall search him out and prove him. Then he prefixeth, *Psal. 144: ver. 10. It is he that giveth Salvation unto Kings, who delivereth David his Servant from the hurtful sword.* A noble truth, which all Kings would look to, and if they expected any good of this good word, would lay out themselves for this God and this cause, and not stand in opposition against him, lest they finde that he who is terrible to the Kings of the Earth, *Psal. 76: ver. 12. And made higher then the Kings of the Earth, Psal. 89: ver. 27. Shall not spare but stricketh down Kings in the day of his wrath, Ps. 110: 5. And finde a way to make good that, Psal. 149: v. 5, ——— 9. For the Lord taketh pleasure in his people, he will beautify the*

*the meek with salvation, let the saints be joyfull in glory, let them sing aloud upon their beds, let the high praises of God be in their mouth, and a two edged sword in their hand, to execute vengeance upon the heathen, and punishments upon the people. To binde their Kings with chaines, and their Nobles with fetters of iron. To execute upon them the judgment written: This honour have all the saints, praise ye the Lord.]* But it is to be observed, that by his bringing forth of this place of scripture, he would make the world beleieve, that the party he opposeth is thirsting for the life of the King, which is but this false calumniator's fiction: & we shall make use of the very next words of that same *Psalm. 144: v. 11.* & say [*Rid us and deliver us from the hand of strange Children whose mouth speaketh vanity, and their right hand is a right hand of falshood.*] And in the last place prefixeth *Proverb cap. 24: ver. 21, 22.* *My Son feare thou the Lord and the King: and meddle not with them that are given to change, &c.* And doth he account himself and his party, fearers of God, who have so Apostatized, and palpably perjured themselves and doth he think, that such as feare not God can ever feare the King aright? If he do, he is mistaken. And who are most given to changes, They or we, let the World judge. What was this impudent man's brazen face doing while he wrote downe this passage? What was his debauched conscience doing? Was there no blushing? Was there no conviction? Did not this text flee in his face? If not sure his conscience must be extreemly debauched, and I feare feared with a hote iron. And therefore let us take notice of this, and meddle not with such as are given to change knowing that the following word shall be made good. *The calamity shall rise suddenly and who knoweth their ruine?* Our King liveth, and he shall come. Even so come Lord Jesus, and let all thine Enemies perish.

But now let us come to his preface, that master piece of verulency.

1. He tells us *it hath been, and is the lot of the militant Church, be as it were grinded betwixt the two milstones of a profane and Atheist call world, and of a party pretending highly for truth and piety* And amongst the last (by whom he meaneth the Sect of the



*rabaptists*) he would reckon the faithful of the land, who  
 there to their Covenants, and are constantly set against that  
 perjured hierarchy. But when we marke his scope, we see  
 what he would say in plaine tearmes, if he durst for shame,  
 viz. That they are now the only militant Church of the  
 Lord in *Scotland*. This is a great change, I confesse, when  
 Christ shall have no other Church in *Scotland*, but the perjured,  
 postatical, popish, prelatical and malignant faction, that  
 hath been from the beginning, an heart and avowed enemy to  
 the Church and People of God, and never more wicked and  
 debauched then it is this day: And yet so holy is it, that it  
 must arrogate to itself alone, the name of the Church.  
 But what Church? Be-like the Synagoge of satan which call  
 themselves jewes but are not, or that *coetus malignantium* (as  
 the vulgar hath it) *Psal. 26: v. 4. The congregation of evil deors,*  
 which should be hated and not joynd with. They the  
 Church, who have banished Christ out of the Church, abjured  
 his interests, persecuted to the death his brethren and follow-  
 ers? Must they be the Church, who are a company of per-  
 jured Apostats, prophane ranters, Men of debauched con-  
 sciences, wicked lives, corrupt principles, prodigiously licen-  
 cious, and running to all excesse of riot & iniquity? They the  
 only Church, whose chief Fathers are Apostate Prelats, sen-  
 sual, brutish, latitudinarian Epicures, void of the faith, Ene-  
 mies to piety, carnal worldings, whose God is their belly,  
 who minde earthly things, & whose end shall be destruction,  
 dogs, evill workers, and the concision, of which we should  
 beware? *Phil. 2: ver 2. Are these Prelate Bite-sheeps,* rather  
 then Bishops, *blamelesse, the husbands of one wife?* Are they *Vigi-*  
*ant,* unlesse when they have much wine to devoure, or a feast  
 to hold to Bacchus? Are they *seber*, who glutt themselves  
 in sensuality? Are they of *good behavieur*, whose carriage is  
 abominable to all sober persons? Are they *given to hospi-*  
*ality*, who, if they could effectuat it, would not suffer a godly  
 person to have the benefite of one nights Lodging in all the  
 land? Are they *apt to teach*, who have rejected Christ and his  
 truth, and cry up and commend Socinian brats and impoi-  
 soned books? Are not *they given to wine?* Witnesse all who  
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converse with some of them. Are they *no strickers*, who are ringleaders in persecution, and stirre up the powers to spew out their venome, against the small remnant of the honest covenanters in the land? are not they *greedy of filthy Lucre*, who oppresse all under them, & for a Bishop's benefice have made shipwreck of their faith, soul and conscience? Are they *patient* who are so soon saddled; are not they *Brawlers*? Witnesse this pamphleting prelate? Are not they *Covetous*? Witnesse all who have to do with them. *Do they rule wel their owne house, having their Children in subjection with all gravity*; when all see that their families are nurseries of pride, vanity, pompe prodigality; idlenesse, profanity and sensuality? And as for their Underling-curats, the scumme of Mankinde, who seeth not their nakednesse? Is this the Church, when they who say they sit in *Moses seat*, are such patrons of profanity, and patronizers of wickednesse, and unworthy to be accounted Members in any tolerably reformed Church? Are they the militant Church, who triumph in their silks and velvets, rideing with foot mantels in Parliaments, sitting in Councils and Sessions? I fear many, of them shall never see another triumphant Church. If they be the corne grinded betwixt two millstones, where is the professedly profane, and atheistical world which trouble them? Sure, seing these are the only members of their Church, they must be nothing else but the Nether millstone: Nay the poor afflicted people of God finde them the upper millstone too: for by them and at their instigation, are they brocken in pieces, persecuted to the death, scattered into corners, and banished to other nations. And as he cannot give us the professedly prophane and atheistical world distinct from themselves, So he shall never be able to rank the truely godly, who are persecuted this day for righteousness sake, among the wilde seck of *Anabaptists*. As shall be shewed afterward. Ay but Pag. 5. he sayes [*As Whitgift and Hooker these godly, sage, and sagacious persons (forsooth) considering the tendency and consequence of some of their principles, who were vehement for Discipline, feared the breaking out of that evil; so now they see it is come to passe; for that Mystery of iniquity which worketh to the confusion of humane societies, to the bringing*

of divine ordinances into contempt, and to the introducing of Libertinisme, Quakerisme, Rantisme, and Atheisme, can shrowd itself under diverse external formes of Church government.] But were if we may judge of the cause by the effect, there being more Libertinisme, Quakerisme, Rantisme and Atheisme. this day in Scotland, then was all the while that presbyterian government was in vigour, we must say that Prelates and Prelatical principles usher in these evils, which shroud more under their lap, then under presbyterians: Anabaptists, he tels us out of *Ames Fresh Sute* Pag. 93. had their owne Bishops, but where findes he that they had presbyterian government? It seemeth then that prelacy can comply better with Anabaptisme, then presbytery; and so it will indeed: For they being two of Satan's devices must not discorde. It would appear that neither *Whitgift* nor *Hooker* have been so sage or sagacious, nor himself so sharp sighted, as to see such furious Spirits lurking under our lap; we and all see them rather swarming under his own lap.

2. This instrument of Satan cometh next to sowe someares, Pag. 5, 6. and pretending much tenderneſſe to some moderate men (as he calleth them) of our way, he adviseth them for God's glory, the honour of his reformed Churches, compassion to seduced souls, and true interest of their own reputation, to disclaime by some publick deed, what *Naphthali* sayes, lest they be accounted partakers of the guilt. But wise and sagacious persons will easily see this snare, and will not lay much weight upon all this perjured wretches faire retentions, and will readily be convinced that there is no such vile things issueing from *Naphthali* (when what he sayes is rightly understood and not wiredrawne and miserably provvne vvith prejudice) nor such doctrines or practices, here asserted or maintained, How ever this railer call them scandalous and shameful, as they need to be ashamed of, and that it vvill neither be for the glory of God, the honour of his Churches, the good of souls, nor their own credite, to dance to this man's pipe, to follow divisive motions, contrary to our Covenants, to joyne-in vvith malignant Apostates, constant and sworn enemies to the vvork of re-



formation, to make the heart of the people of God sad whom the Lord would not have made sad; & to fortify & strengthen the hands of the wicked. *Verbum sapienti sat est*, we know the proverb, it is not good for the lambs, when the fox preacheth.

3. This meek man tells us next, *That it is not his designe to offend the generation of the humble, meek, self denyed seekers of God's face, partakers with him of the same precious faith, and running to obtaine the same prize of the inheritance.* O! who can decyphere unto us these persons? who are these humble, meek, self-denyed seekers of God's face, whom this man will not grieve? Are these the latitudinarian Atheists, the Gallioes, the coldrise Laôdiceans, who care not what Religion be professed? It is like men of that principle, will not be much grieved by any thing which he hath said. O! but he meaneth some of those who differ from him in judgment in some particulars: but what are these particulars? *Meum* and *tuum*? I feare he take not such for meeke humble or self denyed persons, and they will have as little reason to take him for such an one. Are these particulars, Church Government? And who are these who differ from him in that poynt, whom he accounts humble meek and self denyed? Possibly the few honest publick resolutions. But I suppose these faithful Men desire none of his commendations. Neither will they look upon themselves as partakers of the same precious faith with him and his fraternity, who have made shipwreck of their faith. Nor do they minde to run to obtaine the same prize with him and his perjured fraternity, which will be the broad roll, the long & broad curse, which will enter into the house of him that sweareth falsely, and the heavy wrath and vengeance of God due to apostates; as they like not to turne Prelates, and swallow downe bishopriks which, is all the prize, and all the inheritance, which some run over light and conscience and all, to obtaine. Doth this wicked Man still intende to sowe sedition, and to widen that difference? Is he ignorant of the original of that sad contest? Is he yet to be informed that the rational feares and foresight of not a few of these Ministers and Professors who obtained mercy to be jealous for the Lord, did impose a necessity upon them (in order to the preventing of a re-establisning and re-intro-

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duceing of these abjured abominations ) to Dissent from, and protest against, the course which was at that time taken, in publik judicatories: And upon the other hand these godly men (whom, with much sorrow of heart, and the greatest of reluctancies, they did oppose, as knoweing how really deare the precious interests of Christ were to them ) being Conscious of their ovvne integrity and streightnesse in the matters of God, and measureing others by themselves, (or thinking it hardly possible; yea rather morally impossible; that the very same men, who had joyned with them in so solemne an ingagement to God, and by vvhom, the souls of his People thorovv the Land, had been brought under the bond of the Covenant, could, vvwhile pretending to their former streightnesse, be such miscreants and monsters, that neither any Conscience toward God, nor shame before the world, could bind them to the good behaviour, and tye them up from returneing to their former vomit) did mistake their brethren in that opposition, and became jealous of them; and did likewise by a sad overplus of ill grounded Charity, mistake the enemies of the work of God for friends; and because they had once with them ingaged to pluk up that unhallowed plant of prelacy, as none of Gods planteing, under an *Anathema Maranatha*, they vvvere not suspicious that this accursed thing vvas still vvith them, or that after they had joyned vvith them, in commending the good wayes of God, and crying *Grace Grace* upon the building, they should vvith the same breath, cry out *Crucify Crucify* all the friends of the vvork of God; and by an unparalleled dissimulation, onely be vvatching for an opportunity of bursting his bonds asunder, and casting avvay his cords from them: He cannot be ignorant, I say, that this gave the rise to all these sad debates; and therefore, I am hopeful and confident, that vvhen that mystery of iniquity vvwhich vvas then vvorking, is novv manifest: and vvhen that Conspiracy against God, vvwhich did then lurk and lay hide under the vaile of friendship to the vvork of God, is novv broke forth to the hight of rebellion against him vvho is King in Zion, that all the Controversies vvwhich henceforth shall be betveen these

brethren, shall be buried in this one blessed contest, vvho shall love God most, and one another best; vvho shall most earnestly and eagerly contend for the faith once delivered to the saints, who shall be most forward in following the Lord fully, and peremptory in adhereing to the least hove of the precious truths of Christ, now trampled upon by these overturners and supplanters: Yea, I am confident, that these godly men who have been most deceived and cheated into a credulity of the honesty and integrity of them, who are now gone out from them, becaule they were never of them, will judge that they are more particularly and especially concerned to set themselves in opposition to these dissembing Apostats, and use all lavvful means to overturne these treacherous overturners, and put the Church of *Sorland* in *Statu quo prius*, since by the intrusting of the cause to these men of perfidy, the cause hath been lost, and themselves are Lorded over, together vvith the rest of the inheritance of the Lord: Let me once more say that, I hope, this shall be the effect, vvhich his second attempt to a further division amongst the remnant, vvho stand in opposition to the vvay of these vvicked men, shall have amongst his Servants, and that the divider shall live to see his disigne mis-give and hear a sweet harmony (after all former jarring discords) 'amongst the servants of the Lord, in singing a Higgajon selah becaule this vvicked man vvith his complices are insnared in this and other vvorks of their ovvne hands.

4. He goeth on in his fascination (but in vaine is the net spread in the sight of any bird) and would persuade us, that he cannot take these humble, meek, self denied seekers of God, as partakers with *Naphhtaly* and his adherents: For why? [*Who can imagine (sayes he) that a meek people, who hath the promise of God's teaching, should be so far transported, as to take the circumstantialis of Religion, for the greater and weighty matters of Law and Gospel, without which known and beleaved, none can come to God?*] Can we think, or can any but this wretch, who feareth not God, think, that the observing of sacred Covenants, made about the life and substantialis of Religion, as well as more external things, is no great and weighty matter of the Law? No humble understanding seeker of God, but



but, though he knoweth there is a difference betwixt the circumstantialls of Religion, and the weightier matters of Law and Gospel, yet, as He will not account every thing circumstantial, which this circumstantially substantial Prelat, vvill call so; so, He vvill have a tender regard to every thing, vvhich Christ hath appoynted in his house. But, I pray, vvho can take his Man for one of these meek people vvho hath the promise of God's teaching, vvho to obtaine a bishoprick, a circumstantial in his account, ( but really to him and his collegues a substantiall sappy thing, & to sensual carnal Epicures and bellygods, and to such as care for no other portion, but one in this life ) hath sold and given away the most weighty matters of Law and Gospel both? And how he shall then come to God, unlesse he repent, I see not; It may be the needle headed casuist hath found out a new way, and ( if not sure and saife, yet ) to his experience easy and honourable, viz. by ascending from a Presbyter to a Prelate: But whither next? *Exitus acta probat*, either backward, or headlong downe the precipice. Againe [ *Who can think ( sayes he ) that an intelligent people should account, that the concernes of Christ's Kingdome and their owne salvation, do lye with so much streesse upon this point, that the weakest and most ignorant Minister shall have a potestative parity, with the Man of greatest gifts, learning, and knowledge; that the minister weakest in his prudentialls, should have equal authority in the managing of the matters of God's house, with the wisest and one of the most noted prudence; that the youngest, rawest and most unexperienced Minister should have as much power in ruling the house of God, as the Man fustiest of years, whose judgment is consolidated and ripened for government, and who hath for a long time given such documents of good and wise behaviour, that makes him fitter to rule the younger sort, then to be ruled by them? ] Answ. No doubt but ye are the people and wisdom shall die with you, yee are the Men of greatest gifts, learning and knowledge, viz. to devoure cups, loose the knots of Govenants, and to lead people the broad way to hell; you are the wisest and most noted for prudence, in that carnal wisdom, which is enmity to God, and in that worldly way of selling soul and conscience, to purchase,*

greetings in the high wayes, high places, honours, revenues, Court stations, Court rewards, and Court complements, &c. You are the Men fullest of years, whose judgment is consolidated & ripened for government, giving for along time documents of good and wise behaviour, having not only your judgments stupidly blinded, but consciences seared and ripened for a dreadful plague; and of this, have you for a long time given sufficient documents, by shewing how chameleon-like you can change all colours, and how wittily you can turne with all tydes, and have a behaviour futeable for all companyes, but the company of God's people. O ye Seraphical Divines, or or rather Dunces! O ye sufficiently qualified for a bacchus barrel! O ye sublime Doctors of the blake art of perjury! O ye learned Clerks in the mysteries of the Kingdome of Darknesse! O ye whose prudence is to faile with all windes! O ye Men of judgment consolidated into a stone, having no conscience, and far lesse piety? Doubtlesse you are the Men, the only Men fit for the sole possessing of that potestative power and authority, to manage the matters of God's house, and to rule the young stirplings. But every tree is known by its frute, and whether your singular Antichristian supereminency, or the Apostolick parity, hath best mannaged the matters of Christ's house, the present overflowing and abounding of Idolatry, Superstition, Sodomy, Adultery, Uncleanesse, Drunkenesse, Atheisme, Ignorance, Profanity, malignancy, hatred of piety, persecution of godlinesse, and such like abominations, and the villannies of these debauched creatures the Curates, will, to all serious and sober on-lookers, determine: And by the present face of affaires, together with all that, which what is already come doth presage, compared with what was seen while Presbyterian government was in any vigour and integrity, will make all that feare the Lord, see that more of the concerns of Christ's Kingdome and their owne salvation, lyeth upon that very poynt of the discipline of Christ's house, then by many hath been thought, and will be a sufficient confirmation, that this parity, and not their domineering superiority, was the only  
forme

forme of government established by Christ and his Apostles. Moreover he sayes; [*Or who can see the prejudice to Christ's Kingdome, and precious souls, if such a worthy person (as is described) be intrusted with inspection over other Brethren and Churches, in a reasonable bounds, not with a dominative or lordly power, but paternal and fatherly; not to do after his owne arbitrement, and as one unchallengeable in his actions, but to be regulated by acts of the Church and Land, and to be responsible to his Superiours in case of misverfation; not to rule solely, but with the consent and Counsel of Presbyters?*] *Ans.* By this Tyranny in the Church, all may see what prejudice doth dayly come to Christ's Kingdome, and to precious souls, who will but open their eyes. By what authority should any claime that power of inspection over others, and that in a most unreasonable bounds? Is the power of the present Lordly Lord Prelates paternal? Sure they must be step Fathers then, and that of the cruelest kinde? Have not the present Lordly Prelats, as much dominative and Lordly power, as ever they had in *Scotland*? And do they not rule and domineer in the Church after their owne arbitrement? Who is to controule them, unlesse the good King but a gentle curb in some of their jawes to make way for greater rage and Tyranny? What acts of the Church are these which regulate them? Be-like the lawes & acts which their owne lusts make, within their owne breasts; for they are the Church, the holy Clergy, and who but they? Who are over them as Superiours? Sure none but the King, in their account; and to him must they be responsible; and if they forget not the Court-art, but labour to keep some chief courtiers on their side, they know all will be well, and they will hear no rebukes, but well done good and faithfull Servant; but no Church judicatory is over them. But Zion's King is above them and their Superiour also, and he will call them to an account for their usurpation and Tyranny. He tells us, they rule with the consent and Counsel of Presbyters; but when? And where? And how? What? Will they walke by the consent and Counsel of the weakest and most ignorant of Presbyters, weakest in their prudenctialls, Youngest, rawest, and most



unexperienced stirplings? Sure they being men of greatest gifts, learning and knowledge, the wisest, and most noted for prudence, Men fullest of yeers, whose judgment is consolidated and ripened for government, will think it below them to rule with the consent and counsel of those; And experience doth prove it.

5. This noble disputant vwill come in the following words *Pag. 7.* and prove the *Ius divinum* of prelacy, not only against us, who hold it to be *jure Antichristi*; but against King, Parliament and all the Malignant cabal, who hold it only *jure Caroli*: But the man's judgment is so consolidated, and he is so vwell read in his prudentials, that he must dravv bridle, and speak spareingly, and only whisper out what he would faine be at, and say. [*Can this way be disrelished by sober Christians, being so strongly pleaded by the light of sound reason.*] Nay rather, by the light of ambition, vanity, vaine glory, love of money, luxury, covetousnesse, love of this present world more then the love of God, and the edification of his Church; As all who are not sworne slaves to the perjured prelates will confidently averre *sub rosa*. [*Making so much (sayes he) for the comelinitesse and order of Christ's Church.*] Rather so much for the deformity, confusion and destruction of the Church, and of all true Church-order, as not only all who have eyes in their heads will grant, but the present frutes and effects cry out to all the world. [*Being (he addeth) so suteable and correspondent to the ancient government of the Church of Israel wherein there were Priests, and chief Priests, and several rankes of Ministers, an order which was neither typical nor temporal; but hath a standing reason reaching us.*] O so bravely as this advocat pleads for the Pope! hath he gotte the promise of a Cardinal's cap for his paines? Because there was one high Priest over all the Church, must we have also one Pope? Good Master Prelate prove your consequence, for we see no such standing reason reaching us, as to this; nor as to what you would conclude, the case being the same. [*Being (sayes he) so conforme to the beginnings of Christ's ordering the New Testament Ministry, where there were Apostles above the seventy disciples.*] Nay rather so conforme to Antichrist's ordering of his Church

Church; for, as the seventy Disciples were to be no standing officers in Christ's house, so the Apostles had no superiority of order or jurisdiction over them, they were intrusted with no inspection over these. Let our Master *Bishop* with all his gifts, learning, and knowledge shew this if he can? *Being* (sayes he further) *so agreeable to the Apostles constitution of the government of the Churches of the New Testament, which was in an imparity of power in Ministers, as is luculently exemplified in the power of Timothy, and Titus, who were no Evangelists, nor ever accounted so by the Spirit of God.*] It seemeth then *Paul* was not acted by the spirit of God, when he said to *Timothy* 2 *Tim.* 4:5. *do the work of an Euangelist*: and since all the proof which he can bring of this, is this example of *Timothy* and *Titus*, let his consolidated and ripened judgment, taking to help, the greatest of his gifts, learning and knowledge, answer what *Primme* hath said in his *Unbishoping of Timothy and Titus*: and let him not thus stope our mouth with his raw and blunt assertions, lest wise men think he hath neither gifts, learning, knowledge, prudence, nor judgment, but a rarified vvindy braine, swelled to a great bulk vvith vanity and conceite, as who but he, who can confute all books hovv ful soever of unanswerable reasons, vvith his bare *I say otherwise.* [And finally, (sayes he) our ascended glorious Saviour having honoured persons with that precedency by letters, written by his secretary *Iohn* unto them *Revel* 2, and 3. Chapt, wherein he sheweth the approbation of their office and power, reproving their neglects, yet honouring them with the stile of Angels to the Churches, or his Messengers in speciall manner, which cannot, without notable perversion of the Scripture, be otherwise understood, but of single persons presiding over presbyters.] Can no single person preside over prebyters, except my Lord Prelate? Or are all presidents or moderators of presbyteries Prelates? Nay he will be loath to say so. And what can he prove from thence (though it were granted to him that this *Angel* was one single person, which cannot be till Holy and profound *Mr Durham's* arguments be confuted, which will be *ad calendæ Gracas*) but at most, that this *Angel* was a moderator of the meeting? Was he therefore the

*Lord Prelate?* No, master Bishop; your wit and learning both will not prove this. And hath your new Order and dignity, to which you are advanced, O Lordly Prelate, infused no new gifts into you, that you might fasten your chaire with some new nailes of arguments; or are you so consolidated into the old temper of your predeceffours, that you must rest satisfied with what they said, as having neither gifts, learning, knowledge nor wit, to invent new things? But could your lordly braine think of no reply to the solid answers, which poor, weak, ignorant and unexperienced presbyters gave long agoe unto these arguments? Why then did you chant over the old song againe, to make yourselfe but ridiculous? Did you think that your word would have more weight, then the solid reasons of that solid and Eminent divine Holy *Mr Durham* in his exposition of that place? If so, you must have a wonderful high esteem of yourselfe, which will make all wise Men to esteem the lesse of you. [*And this order (sayes he) Christ's Church & dear spouse, having since that time retained in all places, where Churches were, constitute, without exception, in all times without interruption, until this last age, wherein, through hatred of corruptions adhereing thereto under popery, and because of the enmity of the Popish Bishops to the reformation, some have utterly without any reason rejected the office it self.*] O irrefragable dictator! *Ex tripode* he dictats like another uncontrollable Master. What better is this out of your Mouth, then it was out of old Bishop *Hall's* the Remonstrator, and confuted by *Smeclymnus*; is this man able to answere al which *Blondel* hath said against this, or learned *Calderwood* in his *Altar. Damasc.* or yet to answer what his dearer friend *Stillingsfleet* hath said to this purpose, in this *Irenicum*? Why hath he not once noticed that which the author of *Apologetical Relation* hath said Sect. 1. Where he shewed out of History and by reason, that *Palladius* was the first prelate that ever *Scotland* saw? And this solidian giveth us *non causam pro causâ*, when he sayes that it was only the corruptions of the Prelates, that made some without reason reject them, whereas it was their want of an institution of Christ, that made all, with the irrefragability of reason, reject them as no officers of Christ:

And



and we shall willingly conclude this with his words following [*Who can think that a Christian People will not readily follow the footsteps of the flock in former generations.*] Provideing he will offer us to adde this [*In so far, and so long, as they walked fier their master Christ, and followed his institutions.*]

6. Then Pag. 8. He sayes it is not [*His intention Either to revock any fearers of God, who have been perhaps, in an houre of tentation, miscarryed to irregular courses, following too readily, in the simplicity of their hearts, cunning leaders, who have had too much dominion over their faith; these we judge worthy of greatest tendernesse in dealing with them.*] But who are thole? Sure, by the carriage of the present powers, enraged and animated by the perfidious Prelates, we heare of none who meet with any tendernesse, though he judge them worthy of greatest tendernesse. And what are these irregular courses? Is it an irregular course to refuse to run with this perjured Prelate & his fraternity, to the same excesse of apostasy, and as far from their sworne allegiance to God, as his debauched conscience hath carryed him? What was that tentation which made them stand fast? He knowes better what tentations (and whether they lasted for a day or for an houre) they were, which drew him off; sure they had none such to move them to stand fast, but the fear of God (which he hoke off) made them mindeful of their Covenants. What are these cunning leaders which he sayes had dominion over their faith? They follow no leader but their Master *Christ*. But because he hath hung his faith at the King's girdle, and hath no other principles to walk by, he supposes all others to be of his stamp, and must needs hang on some body: But he will finde them to be persons of conscience, and not so ready to follow any man in the simplicity of their hearts, as he supposeth. Then being in a good mood he lets out a lash of hope, saying [*Nor are we without hope that God who stills the noise of the seas, &c. Psal. 65: ver. 7. will in time allay their animosities, and rebuke the stormy winde and seas of their passions, that they may be still; and that he will bring them to consider their wayes, wherein they have exceeded, and give them to know how ill and bitter a thing it is to forsake their owne mercies, in*

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*the ordinances of God, for the want or having of this or that forme of external government.]* Now we see that the tender mercyes of the wicked are cruel, when we see the tendency of the best of the wishes and hopes of this Man, when he is in his best mood. But we are confident, his hopes shall perish, as doth the hope of the Hypocrite, because it is not bottomed on faith, and he hath no ground to beleieve that such as have hitherto kept themselves pure, shall at length turne in with them to the swineish pudle. We beleieve That that *God who stills the noise of the seas, the noise of the waves, and the tumult of the People*, shall in due time make this true of them, when he shall shew himself the hearer of prayers, and when he shall have purged away our transgressions, and shall satisfy us with the goodnesse of his house, and even of his holy temple, and so prove himself to be the God of our Salvation *Psal. 65: ver. 2, 3, 4, 5.* We hope also he shall bring us to consider these wayes, wherein indeed we have exceeded; and make us know how ill and bitter a thing it is to forsake our owne Mercyes, in not adhering to all the ordinances of God, so faithfully, as vve vowed in our Covenants to do, even to that external forme of government, vvhich Christ hath instituted, and hath so signally ovvned as his ordinance, by his rich blessing following thereupon, amongst us, vvhatever this indifferent-laodicean-latitudinarian think of the matter.

7. To vvhom then vwould this Man reach a blow [*These we aime at* (sayes he) *in this parallel with Anabaptists, are the Naphtalian party, i. e. the furious sort of these who under the conduct of this teacher and his like, make sport of rebellions murders, assassinations.*] Nowv the man is in his element, dipping his pen in gall, and spevving out the venome of his heart against the zealous maintainers of the interests of Christ; & therefore his tongue is ready to utter his mischievous calumnies, and his anile rhetorick flovveth over all its banks: for (sayes he) they are [*a furious sort that make sport of rebellions murders assassinations* (vve knowv what this aimes at; but he might say vvoe to ill company) *that they have hardned and harnessed their heart* (O rare rhetorick!) *(as appears by their writings and deeds) that they have*

have become stout in a dedelent greedinesse (O soaring elequence!) to commit any wickednesse, which they account meet to serve their designe, as if their supposed good cause could legitimate the worst course (all which he must confime with lies, and say) who make no reckoning, as their Doctor here professeth, of overturning thrones, of making the land drunk with the blood of the inhabitants, multiplying fatherlesse and widowes in the midst thereof and introducing greatest confusion and calamities (because forsooth they would have the order which Christ hath established in his Church introduced, and Antichristian confusion, with all the calamities that attend it and support it, ejected and extirpated) that may make all faces gather blacknesse, and all to smite on the thigh, crying alas for the day.] (No: he needs not feare that any face should gather blacknesse, or that any should have cause to cry alas for the day, but the cursed crue of apostat perjured prelates, with their underlings, supporters and adherents.) Then he proceeds like himself [If so be (sayes he) they may upon the ruins of all; rect the idol of pretended parity of Ministers, which when they have set up, the imperious agitators will (as they have done formerly) baffle, if any offer be, to level them to others: and howsoever the weaker brethren must be Entertrained with faire words and noddified with notional disputes anent their parity with the best, that they may think themselves some what; Yet how disdainfully was it, and yet would be taken, if these low shrubs should assay a practicall parity with the tall cedars in the governement of affaires.] We see it what this wormwood man aimeth: It is a wonder what peace he hath now, seing he looketh on himself as Lord prelate, as well as the best, that he is not advanced to be a member of Councel and Lord of the Session with others. It seemeth he is content now to be noddified with a notional disput anent his parity, seing he hath gotten the fat portien he gaped for, the only desireable thing, viz. his bishoprick. Be like the thing that moveth his spleen now to write thus, is because his quondam brethren baffled him down among the weak, and did not so intrust him as they did that Arch-deceiver, his late companion in fear and perplexity: And so it would seem, he is only grieved, that he had not an equal hand with that Arch-traitour sharpe, in cutting his Mothers throat: O strange!



strange ! But, to his sorrow let him know, God will take the desire for the dead. Then he closeth that paragraph with a quirk, saying, [*Imparity was then without title now it is with it, and there is our change and great defection, and surely, that which hath been, will be, & there is no new thing under the Sun,*] And so may the Pope say, There was an imparity among the Apostles, ( For Peter and some others were pillars ) without a title, but now it is with a title: Is not this well pleaded O Prelatical Advocat? But whence is your title *Mr Prelate*? Or who gave you that name? The King your God Father? Well, then by that right you must enjoy it. but whence cometh the blessing and ratification? Not from above, but from ———. He hath forgotten one great change; but that possibly he will account no great defection, viz. that, by which he from *Mr Presbyter*, wherein he was in no great account, yet noddified by some, is turned *my Lord Prelate*; And now laboureth to noddify all into a consent & congratulatory acquiescence in his advancement and dignity. But *Cajaphas* cometh to tell us, that *surely that which hath been will be*; and so, as formerly perjured and abjured Prelates, have been cast out of Church and Commonwealth with abomination, they shall be yet againe cast out with more abhorrence then ever. *Esto*. The Lord hasten it in his time.

8. Then he tels us Pag. 9. [*That this furious Napht. coming in upon the back of the Apology, another invenomed egg, hatched ( be like ) by one and the same cockatrice; the second justifying the rebellion to which the first did instigate, and inflaming to more, may let them who will not shut their owne eyes, see the mystery of Anabaptistical confusion working and spreading.*] This man measureth others by his owne foot, thinking that the laboures of others, for the justifying of the people of God, in defending themselves against not only invenomed principles, but also invenomed practices, of such as look rather like cockatrices then any other thing, being good for nothing but to destroy, to be invenomed eggs hatched by cockatrices, because his pamphlet hatched by a cock-prelate, hath undisputably the venome of such an egge in it. The *Apology* did instigate to  
no

no rebellion; Nor doth *Napht.* justify any action truly so chargeable: As hath been shewed. But his egg (now sufficiently crushed, and put beyond the hazzard of endangering any who are wise & rational) if brought to perfection, had brocken forth into a cockatrice, and had endangered King and Kingdomes, and all Commonwealths: And because it was full of this venome, should be condemned to the fire, by all who love their owne welfare and the welfare of Societies, and of the Church of God. But how can any see here the mysterie of Anabaptistical confusion working? [*For* (addeth he) *although the author pretendeth highly for presbytery, which he and his complices (hawks of the right nest) have long agoe hewed downe in this Church, as to the practice of it.*] We know what this lying calumniator meaneth, and these with whom, unworthily, he was sometimes reckoned (being as is now apparent, a bird of another nest) who have found grace to be faithful hithertill, will now acknowledge (I suppose) that such as were opposite to them in that debate, did strengthen and fortify the pillars of presbyterian government. [*Yet* (sayes he) *evidens it is that his pretences for presbytery, are but prefaces to some further great designe of mischief to Church and state.*] To whom is this evident? Sure, I think, to none but to himself & his complices, whose plague is (and as yet but in part) to be in fear where no fear is: How can he make this out? [*For* (sayes he) *having seld himself to work confusion & rebellion, he goes about to overthrow all powers ordained of God, in a most cyclopick boldnesse displaying a banner against all invested lawfully with any degree of civil or Church-power.*] This author is like the Tinkers dog, which (according to our countrey proverb) would gladly be among good company. He soists in his Antichristian usurped tyrannical power and dominion over the Church, among the lawful powers ordained of God. But when he sayes that *Naphtali* displayeth a banner against the powers ordained of God, he but sheweth his cyclopick boldnesse in averring untruths, or his astrangement to cyclopedeja, in drawing such inferences; but both suteable to that execrated order of abjured Prelacy, in which there useth to be but few either civil or learned, as this day putteth be-  
yonde

Yond debate. Then he would make us beleieve that [ *The Author doth not behave himself like Naphtaly, the hinde let loose which giveth goodly Words, &c. Genes. 49: ver. 21. Deut. 33: ver. 23. But as in his heart there are evil treasures of wickednesse, so in his lips and pen there is a burning fire, he strives to enflame all with the rage of his tongue, and runs upon all sorts of authorities, from the highest to the lowest, like a savage Beast or wilde Beare, let loose to waste and confound miserably both the visible Kingdome of Christ in the Land, and the civil Kingdome thereof settled upon the best foundations.* ] The Book answered its name: for it was a hinde let loose and gave goodly words, for God, his Cause, and People; and it is not to give goodly words, to flatter Princes or Prelates, howbeit he who judgeth like a sensualist would account such, words of goodlinesse, farnesse and pleasantnesse. *Naphtaly was satisfied with favour, and full of the blessing of the Lord:* And so was this book though condemned to a fire, by such as would care little to cast the Bible into a fire too: But their favour or blessing it never expected. And when he sayes that in the Author's heart, there were evil treasures; &c. He still measureth others by himself. *Naphtaly* runeth not upon all sorts of authorities or any sort of authority truly so called: He was so farr from wasting and confounding the visible Kingdome of Christ in the Land, that he was pleading for the same against all adversaries, and defending it, especially from these savage Beasts and Bears, who have already laid it waste and desolate; and if the Lord prevent it not, shall make it the visible Kingdome of Antichrist. He was so far from troubling the civil Kingdome settled upon the best foundations, that it vvas that, at vvhich he was driveing, to have the Kingdome settled upon its old, sure, and best *basis*, the Covenants, and Religion reformed in worships doctrine discipline and government. Then he must tell us that the book vvants nothing of the compleatnesse of an infamous lybel, and why? Because [ *It fals upon particular persons by name, to asperse their credit, the constant integrity of whose conversation will easily stop his foule lying mouth, in the Consciences of God's people who know them.* ] If these persons get no other Orator to set forth their praises, then this man (who



(who is a black raven of the same nest.) I feare their conversation shall never stop all mens mouthes. For my part I shall, and I suppose that author will be content, to referre the determination of this, to the consciences of all God's people who know them: And let such judge whether they be men of integrity, or men of constant integrity: we could tell stories of some, but we shall for beare; it may be a volum will be made of their prophane practices, when such as know them best, and observe their wayes, shall help us to a legend of their wayes & courses: And when the world seeth this, It will judge of the integrity of their conversation: but enough of this trash here.

9. In the following paragraph, beginning *Pag. 10.* he is at some demurre, not knowing vwell vwhat course to take vvith that book, which this true *Cretian* calleth *a bundle of impudent lyes and falshoods, grosse slanders and revileings*, not one of which hath he as yet discovered. But where lay the difficulty? „[Upon the one hand (*sayes he*) it was thought „ best to neglect the rage of this man (if one that hath so much „ renounced humanity, as he is here seen to do, may be so „ tearmed) lest by being noticed he might think himself some „ what.] A very hard censure, to make a supposition, if one who speaketh with so much weight of reason, as transcendeth the reach of this animal, may be tearmed a man, If the supposer were not known, to be no acute judge, being *animal amphibion bipes* a double face'd gentle man, vvho hath turned his coat & his tongue too. But why would he grudge poor *Naphthalis* this? Or doth he think that his taking notice of him, will make him esteem the more highly of himself? Not one white: a stout man will never think himself the more valient, that a foolish childe set upon him with a straw. Was there no other reason? „ [Especially (*sayes he*) lest People „ (who as they affect are ordinarily opinionated) might have „ too much matter to feed their humour. to furnish their „ light discourses, & to ensnare their souls, by representing „ to them the matters of this libel (worthy to be buried in „ oblivion) they being too apt (whatever *Salvo* might be „ added) to receive the poison without the antidote, according

„to their prejudices.] This was a good consideration, and if the Man had been as tender as he pretendeth to be, hes should not have digged up what deserved to be buried, especially since he might have known he was not able to prepare a sufficient antidote: But thought he that his silence would have hindered any to have pondered that book? I beleieve indeed his silence had done more good to the King and his cause, then all his hote work is like to do; and he hath done more to insnare souls (if it be to insnare them) then *Naphhtaly* did, I do not meane by representing some other things to the consideration of people; but by his adding so weak and inconsiderable a *salvo*, that he fixed what *Naphhtaly* said more deeply in their hearts, if judicious Readers did not account it unanswerable before they did see his weak & non-answering Reply. What further, „[It seemed also (*sayes he*) „a matter full of tediousnesse to a well composed heart, to „enter into a fire of endlesse strife and continual reciproca- „tion of altercations, wherein a Man is not likely to finde „more truth then he hath already (truth in the most impor- „tant matters in the book having been of old fully vindicated „by learned hands, and nothing now opposed, but old songs „chanted over and over againe) although like enough to „lose much of that charity and calme and composed temper „of heart which he had before.] Then it seemeth his heart was not a well composed heart; for it did not seem tedious unto him, to enter into this fire of endlesse strife and continual reciprocation of altercation, and to spend so much time, and paper, and paines in vaine: And we must pity his case now, who hath lost much of that charity and calme and composed temper of heart, which he had formerly, *Sed qui nihil habet, nihil amittit*, a little stok is soon wasted. By whom to this day was *Lex Rex* answered? And doth not himself say that *Naphhtaly* out stripes his Masters, even as to the most important matters of the book? Hovv is it then that he sayes there is nothing but old songs chanted over and over againe? This Man is *sui similis*, As yet as inconsistent with himself in his words, as in his walk. But seing he had the help of so many old Vindicators, hovv comes it that he hath acted

acted his part so childishly, and vindicated the King's cause worse then any Man that ever put pen to paper; as is shewed? Why did not this pigmay set himself upon their shoulders that he might have seemed something? What was there more on this hand? [„ What Man is he (*says he*) that „ knowing how much more important work he hath upon „ his hand for his owne salvation, and honouring God in his „ station in the World, would willingly engadge in epdlesse „ contests with persons, whose idlenesse gives them too great „ opportunity of evil doing, and who having cast by the „ Lord's work in building his Church, are too much set to „ do Saran's vwork in dissipated the same.] Then this Man thinketh it is inconsistent vwith one to minde the vwork of his ovvne salvation, and to defend the King's cause, vvhich is very true, Let the King and his party notice this. But it is strange, that seing he thought the vwork of his opposers Satan's, he should not think it incumbent to a tender soul. to do vvhat he can to destroy the vworks of the Devil: vve see also that the love of money is the root of all evil, and hath caused him run greedily after the error of *Balaam* for revvard, for to purchase the hire, he hath cast by the important vwork of his salvation, and laid aside the honouring of God in his station. This is the Man's constant integrity. As for those Men whose idlenesse he talkes of, if he meane Ministers, he knoweth who hindereth them from doing the work of the Lord in building his Church, and they will ansvere for it, and he also for his share in that, and for this vwork of Satan vvvhich a little money hath prompted him to: and vvhen they are vvrestling and pleading for Zion and the cause of her King, God vvill not account them *idle nor evil doers nor setters up of Satans work*: What further! „ [ It seemed honourable „ enough (*says he*) to decline this contention and strife, „ which is like the letting out of watters, in expectation „ that either the Mans conscience (if it be not infinitely corrupted) may confute him in most of his assertions, and „ slanders, or that his manifest unchristian dealing, may „ help to open the eyes of such as he labours to delude. and „ bring them to abhorre his way; or that the really Religious



„and righteous dealings of Church and State, may more  
 „forcibly put him to silence then words or writings can.] It had been indeed more advantagious to the King's cause,  
 ( and lesse dishonourable to himself ) to have been silent,  
 then thus to have letten out waters to the King's great pre-  
 judice, and his owne discredit. If he had any expectation  
 that the Man's conscience would have confuted him in most  
 of his assertions, why did he hinder that work, by confirming  
 him in the truth of his assertions by his weak and foolish re-  
 plies? *Præstat oriri quam nihil agere*: and why did he not  
 more manfully discover these unchristian dealings, the better  
 to undeceive such as he supposeth were deluded? What are  
 these manifest unchristian dealings of his? Sure the event  
 hath and shall furder, we hope, declare that his owne deal-  
 ing hath been much more manifestly unchristian, by labouring  
 to blinde the eyes of such as savv before. But I suppose  
 he may talke at leasure of his profelyts. When the really  
 religious and righteous dealings of Church and State shall  
 forcibly confute what is there said, we know not. Sure,  
 when ever their actions become really Religious, and righ-  
 teous, they will condemne his pamphlet to the fire, and  
 himself to the correction-house, and approve of all which is  
 said in *Naphhtaly*, „[ Sometimes ( sayes he ) keeping silence  
 „is seasonable, the Man according to God's owne heart  
 „would not suffer *Skimei's* revileings to be repayed upon the  
 „head of that dead dog; *Hezekiah* discharged to answer a  
 „word to railing *Rabshakeh*; *Jeremiah* the Prophet, contra-  
 „dicted by the false Prophet *Hananiah*, went his way and said  
 „nothing: The wise *Solomon* forbids to take heed to all  
 „words, that are spoken, and to answer a fool according to  
 „to his folly; The Lord of Kings and Prophets sometimes  
 „answered not his accusers a word.] True, sometimes  
 silence is not only seasonable but profitable; and so would  
 the Kings cause have found it now: and by his answering:  
 notwithstanding of what he here sayes, it would seem that  
*Naphhtaly* is no *Skimei*, *Rabshakeh*, *Hananiah*, nor fool, nor an  
 enemy to Christ. Or that the King is not like the Man ac-  
 cording to God's heart, nor like good *Hezekiah*: Nor isthi

Pamphleter like *Jeremiah*, nor hath follow'd either *Solomon's* advice, or *Christ's example*. But I see not why both may not be true. Yet further : „[ So it seemed fit to let alone an insolent „and froward railer and mocker, and not to lavish out precious time, which might be better bestowed, upon one „that gives such visible evidences both of a reasonlesse and „unchristian Spirit, whose libel may be reckoned amongst „the things, *quæ sprete exolefcunt*, and worthy to be answered „with nothing but *silence & contempt*.] Then it seemeth he expecteth a reward also from the Author of *Naphthaly*, for lavishing out so much of his precious time to keep in memory such a book, which if he had miskend, would have dyed out of minde, and which he hath honoured with another answer then silence; but all the reward he can expect will be but *par pari referre*, payment without putting any thing in his purse, and yet a payment in his owne coine. Then, to him it is a lavishing of precious time to maintaine the King's cause: it seemeth also that he hath lavished out much time upon it, and what will not money do? The greedy gapeing after which, will make a Man, not only lavish out precious time needlessly, But also put honour and respect on what he accounteth worthy of contempt.

10. Let us see what did preponderat and bring this tossed Man to a firme resolution, and determine him to bring this brate to light, this product of his ill compos'd heart, and not well tempered braine. „[ Upon the other hand (*says he*) it seemed something hard (especially in such a distemper- „ed time) to suffer an insolent person, in whose mouth is a „rode of pride, to cast the truth downe to the ground, „without control, and to tread upon, and triumph over a „holy and righteous cause, and upon honourable persons of „all ranks, engaged in the maintainance thereof in so abusive, despiteful and intolerable a way, and not give him „any check. Not to put some stop to this furious driver, „who againe and againe assaults this Church with vile lyes „and reproaches, looked like the betraying and deserting „of an honest and honourable cause, or like the hirelings „seeing the Wolfe, and flying and leaving the flock to be  
Ff 3 „ destroyed

„ destroyed with delusion, *fugisti quia tacuisti*. There is an  
 „ evil silence that leaves Men in sin, as well as an evil speak-  
 „ ing that leads Men to sin; and we are not only to give an  
 „ account *pro otioso verbo*, but *pro otioso silentio*, for idle silence;  
 „ when God, and the publick necessity of the Church, or  
 „ Society whereof we are members, Calleth for a valiant  
 „ (not brutishly violent and forcible way, such as this  
 „ mans pleads for) and rational contending for the truth.  
 „ It is sinful pusillanimity, and not warrantable prudence to  
 „ see truth fall in the streets and not lift it up. And verily  
 „ this man seems to be amongst these of Whom *Solomon* says  
 „ *Prov. 26: v. 5.* who must be answered lest he seem wise in his owne  
 „ conceite, and to be amongst these, *Tit. 1: v. 10, 11.* unruly and  
 „ vaine talkers and decoivers, whose mouths must be stopped: that the  
 „ gangrene of his words may not creep further to the con-  
 „ sumption & subversion of Church & State. ] Faire words  
*ad faciendum populum, qui si decipi vult, decipiat*. But he hath this  
 disadvantage, that few that know him will beleieve, that these  
 or any of these are the true cause of this undertaking: But  
 that rather vvhich he thought good to conceale, *viz.* The  
 Three hundereth pound sterling brought to him by the gre-  
 ater rogue & the better rewarded, *1a: Sharpe* deceiver of that  
 ilke: for if these things here mentioned had been his end,  
 and motive, why was he feared that this should have  
 wronged a well composed heart, and Should not have been a  
 honouring of God in his station, but a needlesse lavishing out  
 of precious time, which might be better bestowed? Nay  
 there was reason for all this; for whether he saw it or not,  
 he (who together with his complices distempered the times  
 and all things) in whose mouth there being a roade of pride,  
 did insolently cast the truth downe to the ground, as they  
 could, and endeavoured to tread upon and triumph over a  
 holy righteous cause, and all the maintainers thereof, in an  
 abusive, despiteful, and intolerable way, and laboured to  
 lift up an exploded, depised and cursed falshood, once de-  
 throned with shoutings and great exclamations of joy (but  
 we have seen his horns have been but short) He is truly  
 (as the sober vwill judge) the furious driver who againe and  
 againe



agaïne doth assault the true Church and cause of God with lies and reproaches. He (vvwhether he had medled with this vork or not) & the rest with their underlings, are the true hirelings & wolves, destroying the flock of God: & in this work, though there be not *otiosum silentium*, there are *otiosa verba* and worse & *præterea nihil*, and an unvaliant, impudent, affronted peading for untruth, tyranny and vvickednesse, vvwhich is neither a product of prudence, nor magnanimity. And vvhen he hath cited *Prov. 26: 5.* and *Tit. 1: 10, 11.* he hath adduced his ovvne *Doom*, and accordingly he is ansvvered, and his mouth (let it be as vvide as it vvill) gaged and stopped, not with butter (vvwhich is unfit to stoppe a breathing mouth) but vvith more solid stuff, so that vvwe are confident the gangræne of his vvords shall not creep far, nor infect such as are cleane; and as for such as are uncleane, they owe their infection to some other, not so innocent in vvite and parts as he is.

II. Novv the dye being cast, and he resolved to say something, he is as much perplexed anent the way of handling this businesse. Yea he sayes, [,, There is a greater difficulty,, in dealing vvith this Man of no forehead (or if he have any,, it is of the hardest mettall) of little conscience, but of infinite,, loquacity, and of a most unbridled tongue, vvwhich is a treasure of all revileing language.] Yet he finds him and vvill possibly yet more finde him, a man vvwhose fore-head is of harder mettall, (though not in impudency & shamelesse audacity) then he is able to stand against; and a man of more conscience then to contradict himself either in vvords or deeds, (as this *vertumnus*, a man of a debauched conscience, doth) a man not of infinite loquacity or of an unbridled tongue, vvwho repeateth not the same thing over and over agaïne *ad nauseam usque* nor one who speaketh non-sense at randome (as this poor pamphleter doth) but a man of more solid reason, and nervous succinct expressions, then he vvvas able to comprehend: And vvwho so shall compare the tvvo together shall finde he hath put the saddle on the vvrong horse. But where did the difficulty lye? [,, The great difficulty vvvas (sayes he) hovv to moderate and temper a stile

Ff 4

,, of

of vvriting tovvard such an one, *difficile est satyram non scribere*  
*contra satyrum*; for hardly can a man meet in any book, vvith  
 more bitter invectives against all authorities and dignities  
 appoynted and approven of God, then are here to be found;  
 all that have gone that way before him, seem but Children  
 in vvickednesse, in comparison of him: he deserves to be in  
 the first classe of these Jude v. 8. *Who despise dominion and*  
*speake evil of dignities.*] *Ans<sup>r</sup>. Naphtaly*, it is true, is no base  
 sycophant nor flatterer; nor is he, because of free and faithful  
 holding forth of the wicked and sinful carriage of these in  
 authority, and of these who have usurped authority, to be  
 accounted a writter of Satyrs or of invectives, else the Pro-  
 phets writtings shall not escape that sharpe censure. Nor is  
 he upon this account to be reckoned among, far lesse to be  
 put into, the first classe of these who *despise dominions*, &c.  
 unlesse by this *ignoramus* who knoweth no medium betwixt  
 base flattering of dignities, and speaking evil of them. Yet  
 in the following part of that Paragraph, he sayes he deserveth  
 well, because of his plainnesse; though it be but his fancy to  
 think that Either King or Nobles are in hazard to be dispos-  
 sessed by private persons in a *Phineas* like Spirit, yet he is  
 truely and especially afrayed of the ministry; and mainly of  
 the Bishops, because such strokes approach neare to him-  
 self, and the burnt Childe feareth the fire, And his fear  
 blindeth his eyes, so that he cannot see to read *Naphtaly* a  
 right. And I think no heröik person, will desire to imbrew  
 their hands in their blood, who are far below the wrath of a  
 man, far more, the indignation of an Heröik person,  
 though they shall never be found innocent, be pursued when  
 they will. He but lyeth when he sayeth in the following  
 words [*That Naphtaly with his tragical oh's awakeneth the rage of*  
*the rudest multitude (which becalts Zeal of God) to execute judgement*  
*on them, that the fierce anger of God may be turned away.*] Nor  
 doth he tell them *if they do not so they are plagued with stupidity*  
*and blindness*. It is true which he sayes that [*All sorts of Bulers*  
*in the land may see their dittay and their doom drawne in that*  
*book.*] But no otherwise then as the word of God giveth  
 warrand, and there they would read it, and repent in time,

lest they finde it verified. He is but like himself a false lyar when he sayes that *Naphthaly* [*Discovereth the malicious cruel and bloody designs of his party.*] For they have no malicious cruel nor bloody designs, their only designs being to maintaine their integrity and their reformed Religion, which Enemies combined against Christ are seeking to destroy. This man imagineth a snare where there is none; but seeth not the snare which Satan and his owne hands are setting for his soul, neither will he and the rest take warning, though the word of the Lord do clearly discover wrath and vengeance at hand, and whether then they be worthy of a faire hood and bells, Let any judge: but sure I am, they shall one day see their folly and madnesse, and write *Abner's* Epitaph over themselves. But we wish them rather repentance and to be wise in time, not against their will, but willingly.

12. And further *ibid* Pag. 13. he tells us [*It were in some and unsuicable to one who desireth to keep the constant composure of a Christian Spirit to indulge an humour of retaliating.*] And that he is at a great disadvantage, because it almost transcends (in his apprehension) humane patience to treat mildly with such an insolent one. O! Who would not pity this man who is put off the constant composure of a Christian Spirit? But can he be in the composure of a Christian Spirit, who is so easily moved off it, by that which should rather settle him in it? Can his patience be good, which is so stirred by hearing of truth told? And who can think that he hath been of any composure of a Christian spirit, who hath not indeed indulged an humor of retaliating but of brawleing in a transcendently insolent manner without ground given, being transported beyond the bounds of humanity, let be humane patience? Then Pag. 14. he sheweth what reason he hath to use, a more then ordinary vehemency of a keen stile, saying [*Shall Masters of confusion* (as if he were not a *Davus*) *Indulging themselves in their proud morsity, unworthly demean themselves toward the sober defenders of the truth,* (but who are these?) *And will not this be a sufficient Apology for them to put forth some sting?*] But good Sir I fear your sting be gone long since, because you are become a drone: We have seen your good will to shoot your sting

Ff 5 but



but it wanted its poynt, as for your sting in your taile it will not hurt much, and we know who is King over such locusts, even the angel of the bottomelesse pit, *Rev. 9: ver. 11.* Now this stinging locust comes to compare *Naphhtaly* to *Hecuba*, but any who reads *Naphhtaly* finde him not barking as a mad bitch, but speaking the words of truth and sobernesse, with such strength of reason as transcendeth this distempered man's capacity to understand, otherwise he had never made such a comparison. Then he tells us that [*A toothlesse defence might possibly tend to harden him and his complices, and breed suspicion of some signes of diffidence, distrust and timorousnesse in owning of the cause against him.*] I beleeve this defence hath as many teeth as he could put in it; but for all that, it can be called nothing else then a toothlesse defence, because it is nothing but a bundle of sharp tooth'd words without any reason; and because we see now all that he and his party can say, against the truth which we maintaine, we are indeed thereby, the more confirmed therein; and we do not suspect him of diffidence, distrust and timorousnesse, that his cause is not better defended, knowing how bold and audacious he is: but we know that an ill cause cannot be well defended, though never man hath defended it worse then he hath done, though better rewarded then many.

13. The good man turns *Neptune* at length saying, *Sed motos praestat componere fluctus*; and then sayes, [*It will be fitter to consider what becomes us to utter then what he is worthy to hear.*] Then it seemeth we should expect a very calme sea; but the waves of his passions have not been settled for all his *Neptun*-authority. [*There lyes (sayes he) a temptation in these namelesse writtings (which therefore it is to be wiske, were not in use) to exceed in passions, and to utter words (incognito) that will not be stood to.*] The iniquity of the times, and the rage of princes vvhovvill not hear the truth, is a just cause why some should speak and write against them *incognito*, which likewise was the cause moveing *Elisha* to suspende the sending of his free & faithful letter to *Iehoram* a bloody Tyrant, till after his own death: but why this man should send out a namelesse writting, none can tell, unlesse because either he was ashamed of the cause,

or of his weak managing of it ; or else because he hath a minde to exceed in passion, and non-sense, and none should know that it was A. H. P. O. who spoke so. But he tels us that he *hath not so learned Christ, as to render reviling for reviling knowing that mans wrath works not the righteousnesse of God.* The contrary whereof every reader of his pamphlet vwill see, & therefore he doth well, to adde [*some times it is for peoples edification, to see the due characters of such as lead them out of the way.*] But vwhy should he then be offended, if any should shew his characters, vvho is a manifest perverter of the right vvayes of the Lord, and laboureth vvhat he can to lead people out of the good old way, wherein our fathers and we have formerly walked with peace comfort and joy? But this is our advantage that he and his fraternity are already so vvell known, and their characters so legible, that few or none are in great hazard to be led away with them. Then he tels us that [*so farr as humane infirmity permits, the truth shall be searched after & spoken to in love; all bitterness, wrath, anger & clamour with a malice being put away.*] But sure we are then, his humane infirmity is very great and strong, which carryeth him to search rather after error, and to speak it in hatred ; all bitterness, wrath, anger, clamour, with all malice, being returned and that in their strength ; of which, the man's conscience was in part convinced, when he addeth. [*But if any thing* (he should have said *almost every thing*) *aculeat & pungent* (he should have said bitter and invective) *do escape* (or rather of choise be affirmed) *it not being used in any privat cause or quarrel, but in the publick concerns of truth,* (rather error) *of the Church of God,* (really of the coetus Malignantium, the apostate crue of the popish prelati cal and malignant faction) *and of the State of the commonwealth* (rather against the commonwealth, and for tyranny the bane of all commonwealths) *nor proceeding from any private revenge* (if not from this, which many will doubt of, yet certanely from the love of gold or *Balaam's* reward) *it will at least be excused by the judicious and wise.*] Sure we are, excuse it who will, the righteous judge will call him to an account for it, and we are perswaded that none either truly judicious or wise, will think

think him excuse worthy. But to shew that he hath no privat reveinge, he adderth in a parenthesis, [*That there is room enough in his fraternal affection for any who will leave their unchristian sanguinary and inhumane wayes.*] But his affection is like the devils, who would have all damned with himself; and we are sure come to his way who will, they shall leave their Christian peacable & humane wayes, and choise unchristian, sanguinary, and inhumane vvayes. Then he falleth a vvishing that *his aculeat sayings may prick the libeller to repentance for these things.* But he should knowv that charity beginneth at home, and he should rather vvish that himself were brought to repentance for his shameful apostasy and perjury, and his thus studying to maintaine a corrupt course, whereby he hath indeed exposed himself to shame, though the hardnesse of his heart be such as that he knoweth not what it is to blush.

14. In his following discourse he labourerth to shew how palpably and closely *Naphhtaly* trades in the footsteps of the old *Anabaptists*, though [*He will not say that he and his complices are arrived to the owneing of the highest mysieries of that sect in the poynt of Enthusiastme, and Libertinisme, nor that they are so cruel as to exclude Christian infants from their birthright privilege of Baptisme.*] Yet he sayes [*It is worthy to be considered how far the common demand of expresse command or example in Scripture for Episcopacy, may reach the Anabaptists conclusion concerning infants.*] And so with him, all who require either command or example for any new ordinance of Christ so alleged, must be *Anabaptists*. This man is of very lax principles certanely, and more then a latitudinarian, that will not suffer us to enquire after a command or example of *Episcopacy*, when he and his party alledge that it is an ordinance of Christ: must we take all things for ordinances of Christ, which he and his old father the Pope of Rome say are ordinances of Christ? But why doth he call from us for any expresse command or example in Scripture for resistance of Magistrates? Doth not this also reach the *Anabaptists* conclusion? But his eye seeth not it self. Further he tels us That *Naphhtaly* [*Doth let fall such renets as smell too rankly of the foul scum of the high flown Anabaptistical and Enthusiastical way, while he sayes, Pag. 21. &c.*

*That*



*That meer privat men may now a dayes take their impulses of Zeal, as a sufficient call to pull downe all Magistrates from their seats, which they abuse; to execute judgment upon them, and to place themselves in their roomes.]* But of what spirit this man, who is of his father the devil who was a lyar from the beginning, is, vve have seen; And this particular will abundantly discover to such as look the place and consider what we have said. And no better is the next particular which he citeth out of *Pag. 105.* Where the author is opposeing, that notion of an external call, not unto lawful ordination, which presupposeth it; but unto such a mock ordination, whereby such are put into the ministry, who have no visible evidence of the call of Jesus Christ, as in reason or charity can oblige any to receive such as truely sent. Thereafter he draweth the parallel in five particulars. The first is this, *That the Anabaptists laboured to overthrow Magistracy, and deny them to have any power in Church matters.* But can he, or dar he, say that we do so? do we say, with them, that the office of the Magistrate is not necessary among Christians? Do we say that Magistracy is not the ordinance of God? Do we say that Kingly government is unlawful, as they said, abusing that place, *1 Sam. 8:7.* Do we say that a Christian may not exerce the office of a Magistrate? Do we say that a heathen may not be a Magistrate? Do we say that an ungodly Magistrate is no Magistrate? Do we presse that place *Luk. 22. The Kings of the gentiles, &c.* Any otherwayes then against superiority among Church men? With what face then can he draw a parallel here? The next is *That they studied to overthrow the ordinance of the ministry declaiming most bitterly against all in that function as Hirelings Thieves Wolves, &c.* But can he say that we cry downe a ministry, as no ordinance of Christ, or as not necessary? can he say that we affirme an external call to the ministry needlesse? Is it our work to exclude faithful ministers from the esteem of Gods people? Howv can the impudent man alledge this of us? Be like because we cry out against him and his fraternity and their *repistia*, profane wretches of the second - order, as no lawful ministers of Christ, being perjured profane apostates, never called of God to that function

ction, nor duely and orderly called of Man? But in this he and his party come nearer to the *Anabaptists*, then we, The. 3. Is that they work division in the Church of God; and move people to forsake Church meetings, and to follow them in private conventicles? But then it seemeth all protestants Who presse Papists to forsake their *Masse Assemblies* and *Masse Priests*, and rather meet with the Orthodox and that in conventicles are *Anabaptists*: And it seemeth this man would not presse Heathens to leave their publick idol worships, and serve God in secret conventicles, such a publick and peaceable Man is he, lest he should be accounted an *Anabaptist*. But wee see no connexion betwixt our being *Anabaptists*, and pressing People to forsake Their assemblies, and to hear the true and faithful servants of Christ in private, who cannot have liberty to preach in publick. The 4 is That they were above all men arrogant and proud, dispisers of such as were not of their way, as being men without God in the world, reprobate and wicked denying to them even common civilities. But doth not he and his party, the most proud and arrogant persones imaginable, deal with us all, as cursed *fanaticks knipperdoliens*? &c. What is the 5. When any of theirs were punished for errors, felony or rebellion, they cryed them up for martyres, and complained tragically that truth and godlinesse was oppressed, and that men who would have all things done according to Gods Word were persecuted? But might not Heathens and Papists have objected so against the true Christians and protestants, who said and did all this, when they were persecuted, and some of them murdered & massacred? And were, or are, all who call & account such as die for the Testimony of Jesus, martyres persecuted to the death, *Anabaptists*? I feare that in so saying he shall be found to befriend the *Anabaptists* more then we desire to do: If he hath no more to say, He shall never make it appeare that either *Naphtaly* or the *Apology*, do approach unto the manners of that odious sect, in any particular peculiar to that Sect, or wherein that Sect deviateth from truth.

Then he addeth Pag. 17. When the Spirit that stirreth in these furious writtings, (especially in *Naphtaly*) is considered, how much confusion may be seen to be pretended to Church and State, if

hearts

*hearts be infected with the doctrines therein held forth?* By whom I pray, shall these evils be seen to be portended, by any thing that is said in these writings? Sure by no rational sober understanding person, but only by such who consult the oracle at *delphos*, and minde their belly and worm-eaten carcases, more then they consult the oracle God and of sound reason, and minde the reall good of either Church or State. For there are no doctrines there of any malignant quality, but all of them anti-Malignant, Solide, Plaine, Sure and immoveable truthes, having a direct tendency unto, and necessary influence upon, the solide and sure establishing of Church and State, upon a firme and lasting basis. And therefore, if it were right applyed, his following wish were good. *viz. That the Lord would give his people such understanding, that they be not ignorant of the wiles of Satan, who driveth a deeper designe against this poor Church and Land, then the subversion of this or that exterior forme of Church government,* For indeed the designe that *Satan* hath now on foot, reacheth furder, even to the utter overturneing of all the precious interests of Christ in the Land; of destroying not only the outward Libertyes and Privileges of the People, which have cost them no small expense of blood; to the end they may be made perfect slaves: But to the overturning of the whole work of God, of banishing the Gospel, and of introducing Atheisme and all sort of profanity and wickednesse, that we should no more become the People of the Lord, but a visible Kingdome of *Satan*; And all the People, Subjects, and Slaves to him. But we know what his meaning is, and therefore he addeth. *The controversy rests not in matters touching a Bishoppe or a Presbytery:* But what thinks he of this controversy? He sayes, *If mens passions or prejudices might permit, it might be, for the advantage of the gospel, well consolidated by their mutual paying of due respects one to another; the Episcopal inspection not abrogating, but strengthening the due rights of presbyters, and presbyters not despising that lawfull inspection; but all concurring together in a kindly mutuall assistance, and amicable conjunction, for carrying on the real interests of Christs Kingdome, without impiousnesse one the one side, and without forwardly disorder-*



derlyneſſe on the other. Now he turneth a peace maker, and ſuch a notable reconciler is he that he would cauſe fire and water agree: But he hath ſold his Zeal and Conſcience, for, he knoweth, what. He hath forgotte, that there is no communion betwixt light and darkneſſe, nor betwixt Chriſt and Belial. But he muſt know that we will neither pack nor peel with him, nor his accuſed fraternity, but will come out from among them, and be ſeparated from them, and touch none of their uncleane things, that God may receive us according to his promiſe, 2 Cor. 6: ver. 17. If the Men of that accuſed Hierarchy were not led away with intolerable paſſion & prejudice, and acted by a fury of hell, to deſtroy the goſpel, they would consolidate this controverſy by extirpating themſelves; For as long as they ſtand in that accuſed order, they ſhall never carry on the real intereſts of Chriſts Kingdome, but effectually, ſo far as lyeth in them, deſtroy the ſame; (as former and dayly experience proveth) what by their impetuous antichriſtian dominion, over the Church of God and the Officers thereof, which were ordained of Chriſt; and what by their laying out of themſelves, according to their uſurped power and places, to deſtroy & banish piety, knowledge and the fear of God out of the land, and to bring all the true ſeekers of God under the ſame guilt of manifeſt perjury and apoſtaſy with themſelves. If it were a lawful inſpection, preſbyters would neither deſpiſe it, nor carry themſelves frowardly or diſorderly under it; but it being an unlawful dominion, ſo deſtructive to the Kingdome and intereſts of our Lord Jeſus Chriſt, it can neither alone nor in conjunction with any other, promote the intereſt of Chriſts Kingdome, and therefore muſt be abhorred as an antichriſtian brate, and never ſubmitted unto.

But whither now doth the matter goe? *The deſigne* (ſayes he) *this libel runs upon is to open a gap to endleſſe rebellions, under whatſoever Church government: And not only to bring all our Magiſtrats from the higheſt to the loweſt under diſgrace, which is the next ſtep to deſtruction, and to make them a ſacrifice to the fury of the wicked people.) But to ruine Kingly Authority and Magiſtracy, the ordinance of God.]* This is but a frequently renewed calum-

ny we have oftentimes met with in his first part, and have shewed how groundlesse, it is, and therefore we need say no more here. All who have not, with this Man, willingly shut their eyes, may see That the designe is only to prevent intolerable Tyranny, the ruine of humane Societies and Kingdomes, and to keep the true Divine Authority which God hath cloathed his owne civil officers with, from contempt and disgrace, which Magistrates degenerating into Tyrants expose themselves unto, by changeing the ordinance of God into the ordinance of Satan, and in stead of acting and carrying as Ministers of God for the good of the People, walk and act as Ministers of Satan, laying out themselves to the utmost for the destruction of the People both in soul and body. Who seeth not then that when they thus forget themselves, and forget what they are both bound, and have promised, to be, they do expose themselves to disgrace, and to the contempt of these who otherwise would most willingly honour them as God's vicegerents. But when they carry as avowed Servants of Satan, as Tygers, and destroy the inheritance of the Lord, which they were to nourish and protect, can they expect to be looked upon as God's Deputyes while they do so? And sure, who ever maintaineth that such who have cast behinde their back all Vowes, Promises, Compacts, Subscriptions, Oathes, and solemne Engadgments; and break over all bonds of humanity and Christianity, that they may satisfy their owne cruel and base lusts; and so carry towards Subjects, as if they were so many Slaves or Brutes, or Worse, may lawfully be resisted, is very far from opening a gap to endlesse rebellions, under any Church government; that he rather layeth downe a course to prevent rebellions: For if Kings remembered that their Subjects might lawfully and would oppose them, when they turned Tyrants, they would walk more soberly, and forbear to vent their tyrannicall cruelty, and so give lesse occasion to Subjects to think of opposing them. And However this Pamphleter may look upon himself as one who hath deserved well at the hands of the King: Yet

the judicious who consider the matter aright, will finde him really a greater Enemy to the throne, then either *Lex Rex* the *Apology* or yet *Naphthali* were, or are. Seing they must be greater Enemies to the real welbeing of Kings, and to the Establisling of thrones, who would have them settled upon the alone basis of blood, tyranny, oppression, or proclaime an impunity unto Tyrants to do what they will, which is but to blow at a fire which burneth fast enough of it's own accord; then such as would have them settled on equity and righteouse- nesse and not suffered to goe without their due bounds.

*There is a great noise* (sayes he) (*it maybe it is not causelesse, and it were to be wished Rulers looked to it*) *of the increase of Popery.* Doth he think there is a noise made about this matter, and a great noise, and that without ground? Or can he arrive at no more certanety, but of a *maybe* that it is not causeless? Sure the Representatives (as he calleth them) several yeers ago were beyond a *maybe*, that it was increased above what ever it had been, either in the dayes of King *James*, or of King *Charles* the first: And hath their mock-act never executed, affrighted it so out of sight, that this Man who possibly would be accounted no meane Father, and over seer in the Church, cannot perceive it, at least so clearly, as positively to say that there is just ground for that noise? But where dwelleth this Man? or what way doth he stope his eares? Is he one of those who see and perceive not, who know and yet carry as if they knew not? What is he and his fraternity doing to day? What are the men with the Episcopal inspection doing? Are they so occuppyed in persecuteing the truely godly, the faithful Ministers and People of the Land, and in stirring up the Council to be more cruel then they are, and severely to execute the unjust and most iniquous Lawes made to banish all piety and fear of God out of the Land, that they have no Leasure to look about them to marke what Papists, Seminary Priests and Jesuits (who are swarming up and downe the Land) are doing? When did He or They advise the Council to take such an effectual course for suppressling masse meetings, as they have done for suppressling  
of



of conventicles, or meetings of better reformed and sounder Protestants then ever he or they were? Was there any masse inonger fined to this day? Yet we know that precious & worthy Christians, have been rigidly & inhumanely handled and mulcted, for hearing an honest and worthy Minister of the Gospel preaching the Gospel in a privat place. Ay, but now he thinks, he hath exonered himself, and discharged a piece of duty both for himself and all his fraternity, by saying, *It were to be wished Rulers looked to it.* And is this all the remedy he prescribeth? What will He do? May he not, dar he not, grieve or vex his Elder Brethren? What shall we then say of his inspection? Is it lawful, or is it of God, which is wholly imployed and exercised in persecuteing of the honest seekers of God's face, and countenanceth and encourageth Papists? No certanely, That power whose proper work is, to root out piety, as haveing that only in commision, and which fostereth and encourageth profanity and Idolatry, is a power of Satan, tending to advance his work and interest in the Earth, and to establish and enlarge his Kingdome. What further? *But truely (sayes he) when the Spirit of such wrueings as this, is considered, it will be found there is cause to feare (unlesse the wisdom and goodnesse of God; and the prudence of the King and Governours under him prevent it,) That as one way the Roman Antichrist may come in; So some furious Successour of John of Leyden, under pretence of a Phineas — like Spirit, come in another way, upon our Church and Land to lay it waste, and to make it a field of confusion and blood.* Answ. Were there no Papists in Scotland, or was there no appearance of the approaching of the Roman Antichrist before these books came abroad? What a Spirit, I pray, is that which is in these books, which can give any cause of feare, that the Roman Antichrist may come in upon that account? What tendency, I pray, hath any thing that is asserted in these books, to the introducing of Popery? His needle head shall never be able to poynt this forth. Yea let the true designe of these books be once obtained, and I promise him, that ere few weeks passe, there shall be few or none in

all *Scotland*, who shall be so bold as to professe either Popery or Prelacy. These must be strange books which open two contrary doors at once, upon the one hand a door for the *Roman Antichrist*, and upon the other hand, a door for some furious Successour of *John of Leyden*, but both are alike true, that is, both are manifestly false. Though his tear for the coming in of the *Roman Antichrist* be first named, yet it is the least of the two with him; for the thing which most affrighteth him, is this last; but he needeth not fear it, let King and inferiour Governours joyne piety, and true divine Zeal for God & his glory, with their prudence, and set themselves to establish the covenanted Religion, as it was reformed in Doctrine, Worshipe, Discipline & Government & purge out such things as offend, especially that bitter root of Prelacy, which we abjured; and prosecute the ends of the Covenants, and the vvisdome and goodness of God shall preserve both Church and State. But so long as there is no repentance of the horrible Apostasy and defection, vvhereof King and all ranks are guilty: And particularly that Apostate pack, which care neither for Church or State, King or Countrey, but in subordination to their ovvne bellies and base lusts, is not extirpated vvithall their adherents, vve have no ground to expect that God shall preserve either Church or State from destruction and ruine: Because vve have forsaken the Lord God of our Fathers, vve can not but fear that he shall forsake us, and cast our carcasses upon the carcasses of our idols, and his soul shall abhorre us, and he shall lay our cities waste, bring our Sanctuaries into desolation, and shall not smell the Savour of our sweet odours, yea and shall scatter us among the heathen, and draw out a sword after us, and our Land shall be desolate, and our Cities waste &c. Though we had all the security imaginable that never one of the furious brood of *John of Leyden*, should arise to lay the Land waste; as indeed nothing asserted in these books, may put rational Men in feares thereof, from that hand, though his lieing mouth addeth, that the seeds of future miseries, being too visibly sowne, by this Man and his Complices, whose mouths are full of blasphemies, as their hearts and hands are full of blood.

and

and in so saying is like the whore in the common proverbe, who calleth her honest Neighbour whore first. Whose mouths are more full of blasphemies, theirs or ours, all may judge who either read their writings, or heare their speeches in publick or in private: And whose hearts and hands are more full of blood, theirs or ours, dayly experience will suffer no Man of common sense who marketh both, once to put it to a question.

At length he apologizeth for his slownesse in coming forth with his Survey, telling us, *That this libel and the like are not more quickly followed, with meet animadversions, is not to be marvelled at by any, who knowes they are like the pestilence, that walks in darknesse, and that hardly do they come to the hands of any, but such as are willing to be deceived by them, being intended for the blinding of these, not for the opening of the eyes of others.* But truly, He might have forborne to have made such an Apology: For it may be, some who have most employed him, and rewarded him too, for his paines, will think that he hath but too quickly followed with his animadversions, and possibly shall wish, that they had never seen the light, since he hath done so little good by them to the cause, which he becometh a Patrone unto, both in starting needlesse and dangerous debates, for the Kings Throne and Kingdomes, yea & for his Life; & in managing these debates so poorly as he hath done, to speak nothing of his weake defending of the maine cause controverted, which is abundantly discovered by this vindication: Whereby also he hath occasioned the more accurate ripeing up of that debate touching defensive armes, and laying it open and naked unto the judgment and capacity of the meanest, so that the truthes which he endeavoured to shake, and overturne, are now more firmly then ever, riveted in the hearts of all vwho search after truth: Yet sure, had he been able, he might have brought forth this brood of his braine, sooner to light, for he had time enough, after the publick Proclamation yvas made, that such a book vvas come forth, by the fire prepared of purpose, at the crosse of *Edenbrough* to consume it into ashes, before which



time, I suppose, very few knew of such a thing: And by this solemn fiery Proclamation, the curiosity of some was kindled to enquire after the book, who otherwise would have used no great diligence, to have obtained one of them, yea possibly would never have learned that there was such a book in the World, and so could have been in no hazard to have been infected thereby: And before this time that they met with this solemn reception, there was not (as is sufficiently known) many of them abroad; for it came but too soon into the hands of such as put that honour on it, which was expected, and thereby helped forward the Authors designe. Is it, any wonder that such pieces must keep themselves as long as they can, out of such fiery hands. Seing the first salutation they meet with is a brief sentence of condemnation by the Council, and a solemn confutation, or execution rather by the hand of the Hangman, in the fire prepared of purpose for that solemn Disput? Let him, if he dar or can, procure a free *imprimatur* for such necessary and useful books, and liberty for stationers to expose them to open sale, and then it will be seen, whether they or his shall hide themselves longest in the corner of shoppes, and be at length laid aside for other uses, then at first they were intended for. He says they were intended for the blinding of these into whose hands they come, not for the opening of the eyes of others. But he speaks like himself. They were really intended for the opening of the eyes of all who would but read and seriously consider what is said, and would not willingly shote out their owne eyes. And as for his Pamphlet, I verily beleieve what ever was his intention, it shall deceive none, but such as are already deceived, or very willing to be deceived, & shall open the eyes of none, unlesse *per accidens*, by making them to apprehend more clearly, then formerly they would, truth upon the other side, by discovering the childish, frivolous and weak evasions and exceptions, which he is necessitated to make use of.

In the last Page He giveth us a short hint of what he mindeth to do in the following part of this his elaborat work, where we are like to finde him as impudent and shamelesse a Patron of perjury, as here we have found him a pleader for Tyranny. But we shall forbear to say more at this time, till God offer an opportunity of considering and answering what he shall say further upon these heads and digressions.

*The Lord establish truth in the Earth & visite his owne inheritance,  
and send a plentiful raine to confirme the same when it is  
weary, for his owne names sake. A M E N.*

F I N I S.

## P O S T S C R I P T.

### R E A D E R,

**N**eed not trouble thee with any formal confutation of that superlatively irrational and brutish assertion, by which that Arch-deceiver, and prime parasite *Sharpe*, that absurd gnatho, endeavoured to prove the unlawfulness of defensive warre, in that *Cento* and *Rapsody* composed of lies, calumnies, paradoxes and non-sense, which he delivered upon the 30 of January last, to wit, *That all mens lives were in the Kings hand, and held of him*. An assertion, no lesse false in it self and absurd, then ridiculous to all who yet retaine any thing of the common principles of humanity, and out of zeal to Loyalty, have not metamorphosed themselves, not into a shape, but into a condition below an asse. A wonder it is to me, How men of common sense, and of spirits much below ordinary, could sit and heare such a base flattering claw-back depressing them and all persons of all ranks and qualities in the land, into a condition below their Bestial; did they not know that even these were not at the King's devotion, nor held their lives of him? And what a deadly wound

wound this furious flatterer hath given to the King's cause by this infra-brutal position, all who are not acted by the same *Fury* see and will be sensible of. The best demonstration which this wretch could give of his beleef of this as a truth (though yet no sufficient proof of the truth of the thing, he being, upon so many accounts, according to all law, right and reason, a man of death) were to send his head, separated from his shoulders, as a propine, in a silver box, unto his Majesty, upon desire or demand; that it being consolidated by the art of the Apothecaries, might be preserved *ad futuram rei memoriam*, and a new order of Tyrannogoges being instituted, each might be enjoined to have a tist of that haire, and a piece of that pate as their only character and cognisance. But Reader, is not the cause now desperat that stands upon such an irrational, brutish and false and chimærical foundation? And may we not now appeal to all men of common sense to judge whether their assertion or ours be more base, brutish, absurd, manifestly false and irrational? If I can prevail no further with thee, remember thou art a rational creature, created after the image of God, and fare well.

E N D.







335 [STEWART (Sir James, of Goodreeves, *Souciour General for Scotland*)] Jus  
Populi Vindicatum, or the Peoples Right to defend themselves and their  
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